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No. 88-10

Supreme Court, U.S.

FILED

DEC 1 1988

JOSEPH F. SPANGL, JR.
CLERK

IN THE
Supreme Court of the United States
OCTOBER TERM, 1988

HARTE-HANKS COMMUNICATIONS, INC.,
Petitioner,
v.

DANIEL CONNAUGHTON,
Respondent.

On Writ of Certiorari to the United States Court of Appeals
for the Sixth Circuit

JOINT APPENDIX

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PETITION FOR CERTIORARI FILED JULY 1, 1988
CERTIORARI GRANTED OCTOBER 17, 1988

341 pp

TABLE OF CONTENTS

	Page
Docket Entries—Connaughton v. Harte-Hanks Communications, Inc., No. C-1-84-0257 (S.D. Ohio filed February 15, 1984)	1
Docket Entries—Connaughton v. Harte-Hanks Communications, Inc., No. 86-3170 (6th Cir. Notice of Appeal filed February 13, 1986)	10
Complaint	13
Trial Proceedings	18
Testimony of James L. Blount	18
Testimony of Pamela Long	56
Testimony of Patsy Stephens	62
Testimony of Robert Walker	80
Testimony of Tom Grant	88
Testimony of Laurell Campbell	90
Testimony of Joseph Cocozzo	92
Testimony of Sue Kiesewetter	97
Testimony of Judge Arthur Fiehrer	100
Testimony of David M. Green	102
Testimony of Jeanette Barnes	105
Testimony of Ernest Barnes	110
Testimony of Martha Connaughton	111
Testimony of Daniel E. Connaughton	117
Testimony of Leslie Spillane	142
Testimony of John Holcomb	144
Testimony of Henry Masana	155
Testimony of David Berry	157
Testimony of Alice Thompson	159
Testimony of Zella McQueen	181

TABLE OF CONTENTS—Continued

	Page
Testimony of James Schmitz	184
Testimony of James S. Irwin	188
Jury Charge	199
Jury Verdict	201
Testimony of Matthew Crehan	201
Testimony of Judge Dolan	202
Note: Plaintiff's and Defendant's Exhibits were proffered and admitted into evidence at pages 839-41 of the Record.	
Plaintiff's Exhibit 1	207
Plaintiff's Exhibit 2	212
Plaintiff's Exhibit 33	219
Defendant's Exhibit A	238
Defendant's Exhibit C	239
Defendant's Exhibit D	240
Defendant's Exhibit E	242
Defendant's Exhibit F	243
Defendant's Exhibit G	247
Defendant's Exhibit H	250
Defendant's Exhibit I	255
Defendant's Exhibit J	278
Defendant's Exhibit M	322
Defendant's Exhibit N	324
Defendant's Exhibit P	326
Defendant's Exhibit W	327
Joint Exhibit I	329

TABLE OF CONTENTS—Continued

	Page
Note: The following materials are reproduced in the Appendix to the Petition for Writ of Certiorari:	
Harte-Hanks Communications, Inc. v. Connaughton, 842 F.2d 825 (6th Cir. 1988)	Pet. App. 1a
Judgment of the United States Court of Appeals for the Sixth Circuit	Pet. App. 85a
Order of the United States Court of Appeals for the Sixth Circuit denying a Petition for Rehearing En Banc and Petition for Rehearing	Pet. App. 87a

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Civil Action No. C-1-84-0257

DANIEL E. CONNAUGHTON,
Plaintiff,

v.

HARTE-HANKS COMMUNICATIONS INC.,
Defendant.

DOCKET ENTRIES

Date	NR.	PROCEEDINGS
2-15-84	1	COMPLAINT, JURY DEMAND—summons to atty for service
3-6-84	2	ANSWER of Harte-Hanks Communications
4-6-84	3	PRELIM PT ORDER: Discovery to be complete by 1-1-85; counsel to participate in such discovery as to be able to attend a settlement conf. Counsel to separately fill out and file the attached form. Packet issued
5-3-84	4	NOTICE to take depos by pltf
6-19-84	5	NOTICE OF DEPOS by pltf
6-19-84	6	NOTICE of depos by Pltf
7-16-84	7	TWO notices of depos by pltf

Date	NR.	PROCEEDINGS
7-26-84	8	ORDER: Pltf directed to show cause within 10 days why this case should not be dismissed for failure to abide by court order
7-27-84	9	MEMO IN response to (8) court order; settlement conf. after 10-84 by pltf
8-2-84	10	NOTICE OF DEPO BY PLTF
8-7-84	11	TRIAL CALENDAR—trial set during week of 2-25 to 3-8-85
8-16-84	12	Notice of depos by pltf
?-6-84	13	Notice of substitution of trial counsel—Creighton Esq. for Irwin Esq. for deft
12/21/84	14	(24) MOTION for summary judgment, and Rule 11 motion for fees and costs, by Deft several affidavits attached.
12/21/84		DEPOSITION of MARTHA JANE CON-NAUGHTON taken on 1/25/84, by Deft.
12/21/84		DEPOSITION of Daniel E. Connaughton taken on 1/24/84, by Deft.
12-28-84	15	NOTICE to take depos by pltf
1/4/85	16	(16) MOTION for extension of time to respond to doc. #14, by Pltf.
1/9/85		NOTATION ORDER by J. Rubin: doc. #16 is GRANTED until 1/22/85.
1/22/85	17	MEMORANDUM in response to doc. #14, by Pltf.
1/22/85		DEPOSITION of JAMES S. IRWIN, by Pltf.
1/22/85		DEPOSITION of ALICE THOMPSON, by Pltf.
1/22/85		DEPOSITION of JEANNE HOUCK, by Pltf.

Date	NR.	PROCEEDINGS
1/22/85		DEPOSITION of THOMAS TAYLOR GRANT, by Pltf.
1/22/85		DEPOSITION of LAUREL CAMPBELL, by Pltf.
1/22/85		DEPOSITION of JOSEPH COCOZZO, by Pltf.
1/22/85		DEPOSITION of WILLIAM SIEBERT, by Pltf.
1/23/85		DEPOSITION of LAWRENCE FULLERTON, by Pltf.
1/23/85		DEPOSITION of PAM LONG, by Pltf.
1/23/85		DEPOSITION of MICHAEL JONES, by Pltf.
1/23/85		DEPOSITION of ROBERT WALKER, by Pltf.
1/23/85		DEPOSITION of SUSAN KIESEWETTER, by Pltf.
1/24/85	18	ERRATA to doc. #17, by Pltf.
1/25/85	19	CORRECTED MEMO IN RESPONSE to doc. #14, by Pltf.
1/29/85	20	SUPPLEMENTAL FINAL PRETRIAL ORDER as req. by J. Rubin at PTC, by Pltf.
1/29/85	21	REPLY MEMORANDUM IN SUPPORT of doc. #17, by Deft.
1/29/85	22	FINAL PRETRIAL ORDER by J. Rubin.
2/15/85	23	LETTER from L. Dameron, J. Rubin's Chambers: Trial is rescheduled for Monday, July 29, 1985. CMT counsel/Mary V./

Date	NR.	PROCEEDINGS
4/12/85		DEPOSITION of JAMES L. BLOUNT, by Pltf.
7/17/85	24	ORDER by J. Rubin: Doc. #14 is DENIED.
7/17/85	25	JUDGMENT by Clerk regarding doc. #24.
7/17/85		PER LINDA DAMERON: The Law firm of KEATING, MUETHING, & KLEKAMP has been granted Leave of Court to take from Clerk's office the Deposition of MARTHA JANE CONNAUGHTON and DANIEL E. CONNAUGHTON for a time limit not to exceed 2 woking [sic] days which will be 7-19-85.
7/17/85	26	MOTION for use of special verdict, by Deft.
7-18-85		DEPOSITIONS: returned by KEATING, MUETHING, & KLEKAMP and are back in the possession of the Clerk's office.
7/23/85	27	MOTION In Limine, by Deft.
7/23/85	28	SECOND MOTION In Limine, by Deft.
7-26-85	29	Memo contra (27, 28) by pltf
7-26-85	30	Memo Contra (26) by pltf
7-26-85	31	MOTION IN LIMINE by pltf
7/30/85	32	NOTICE OF Voir Dire by Jury Clerk: Voir Dire is set for Friday, August 2, 1985 at 9:30 a.m. in Rm. 842 before Mag. Aug. Jury Clerk./Mag. Aug.
8/1/85	32A	BRIEF description of the defenses of the case, by Deft.
8/1/85	32B	VOIR DIRE questions proposed, by Deft.
8/2/85	33	REVISED order of witnesses, by Pltf.

Date	NR.	PROCEEDINGS
8/2/85	34	REQUESTED instructions to the jury, by Pltf.
8/2/85	34A	PROPOSED jury instructions, by Deft.
8-2-85	35	SECOND MOT. IN LIMINE by pltf
8-5-85	36	Memo Oppos (35) by deft
8-5-85	37	Memo oppos (31) by deft
8/5/85	38	CORRECTED MEMORANDUM IN OPPOSITION to doc. #31, by Deft.
8/5/85	39	CORRECTED MEMORANDUM IN OPPOSITION to doc. #35, by Deft.
8/6/85	40	MEMORANDUM IN OPPOSITION to doc. #34, by Deft.
8/6/85	41	MEMORANDUM on issue of burden of proof on falsity issue, by Deft.
8-12-85		DEPOSITION of David Berry taken 1-27-84 filed by deft.
8-15-85	42	CIVIL MINUTES: Trial to Jury First Day (8-5-85). Preliminary Jury Charge. Opening statement of counsel. Plaintiff witness called. L. Kuppin and D. Cook, reporters
8-15-85	43	CIVIL MINUTES: Trial to Jury Second Day (8-6-85). Plaintiff witnesses continued. J. Sammons & L. Kuppin, reporters.
8-15-85	44	CIVIL MINUTES: Trial to Jury. Third day (8-8-85). Plaintiff witnesses continued. J. Sammons & L. Kuppin, Reporters.
8-15-85	45	CIVIL MINUTES: Trial to Jury. Fourth Day (8-9-85). Plaintiff witnesses continued. Deft witness called out of order. L. Kuppin & J. Sammons reporters.

Date	NR.	PROCEEDINGS
8-15-85	46	CIVIL MINUTES: Trial to Jury. Fifth Day (8-12-85). Plaintiff witnesses concluded and rests. Deft motion for directed verdict DENIED. Deft witness called. L. Kuppin, reporter.
8-15-85	47	CIVIL MINUTES: Trial to Jury. Sixth Day (8-13-85). Deft witnesses concluded and rests. Rebuttal witness called. L. Kuppin, reporter.
8-15-85	48	CIVIL MINUTES: Trial to Jury. Seventh Day. (8-14-85). Closing arguments of counsel. Jury Charge. Jury Began deliberation at 11:30 and sent home at 4:30.
8/15/85		NOTATION RULINGS on Doc. #34a, Deft's proposed jury instructions, by J. Rubin.
8-16-85	49	CIVIL MINUTES: Trial to Jury. Eighth day (8-15-85). Jury deliberated until 4:30. Verdict. Jury to return for damages thursday 8-22 at 9 am.
8-16-85	50	JURY QUESTIONS answered and signed by the Jury.
8-16-85	51	JURY VERDICT. Find that PLTF WAS LIBELED by deft.
8-16-85	52	LIST of witnesses and depositions used in trial.
8/27/85		NOTATION ORDER by J. Rubin regarding Pltf's proposed jury instructions, (doc. #34).
8/27/85	53	JURY INSTRUCTIONS proposed by Deft. Harte-Hanks Communications with NOTATION ORDER by J. Rubin indicated individually.
8/27/85	54	TRIAL MEMORANDUM IN OPPOSITION to charge on punitive damages, by Deft.

Date	NR.	PROCEEDINGS
8/27/85	55	TRIAL MEMORANDUM IN OPPOSITION to punitive damage charge in absence of real malice, by Deft.
8-28-85	56	CIVIL MINUTES: Trial to Jury on damages. Ninth day (8-23-85). Opening statement by pltf. Pltf witnesses called. Deft witness called out of order. L. Kuppin, reporter.
8-28-85	57	CIVIL MINUTES: Trial to jury on damages. Tenth day (8-26-85). Pltf witnesses concluded and rests. Deft motion for directed verdict—DENIED. Opening statement of the deft. Deft witnesses called. L. Kuppin, reporter.
8-28-85	58	CIVIL MINUTES: Trial to Jury on damages. Eleventh Day (8-27). Deft witnesses concluded and rests. Closing arguments. Jury Charge. Jury began deliberation at 3:30 and returned at 5:45.
8-28-85	59	VERDICT: Jury awards damages to Daniel Connaughton as follows: Compensatory damages \$5,000; Punitive damages \$195,000; and attorney fees \$0 for a total of \$200,000.
8-28-85	60	JUDGMENT in a civil case in accordance with the jury verdicts.
8-28-85	61	LIST of witnesses and depositions used in the [sic] damage part of the trial.
9-06-85	62	(74) MOTION for JUDGMENT NOTWITHSTANDING THE VERDICT by deft.
9-06-85	63	(74) MOTION FOR STAY of execution on the judgment entered in this case filed by deft.

Date	NR.	PROCEEDINGS
9-10-85	64	Transcript of the Jury Charge on 8-5-85 filed by Linda Kuppin.
9-10-85	65	Transcript of Mr. Lloyd's Closing Argument on 8-5-85 filed.
9-10-85	66	Transcript of Trial Proceedings Vol. I filed by Linda Kuppin.
9-10-85	67	Transcript of Trial Proceedings Vol. II filed by Linda Kuppin.
9-10-85	68	Transcript of Trial Proceedings Vol. III filed by Linda Kuppin.
9-10-85	69	Transcript of Trial Proceedings Vol. IV filed by Linda Kuppin.
9-10-85	70	Transcript of Trial Proceedings Vol.V filed by Linda Kuppin.
9-10-85	71	Transcript of Trial Proceedings Vol.VI filed by Linda Kuppin.
9-25-85	72	RESPONSE to doc. #62 & 63 filed by pltfs.
10-2-85	73	Reply Memo in Support of Doc. #62 by deft.
02-06-86	74	ORDER by Judge Rubin that Doc. #62 is DENIED; Upon such determination the Mot. for Stay (Doc. #63) becomes MOOT.
02-13-86	75	(75) MOTION for STAY OF EXECUTION PENDING APPEAL by Deft. Harte-Hanks
02-13-86	76	SUPERSEDEAS BOND by deft. Harteke-Hanks [sic] Communications, Inc. acknowledge themselves (w/Liberty Mutual Ins. Co., a corporate surety) bound to pay to Pltf. Connaughton the sum of \$200,000 together with costs, interest and damages for delay, if appeal is dismissed or if judgment affirmed.

Date	NR.	PROCEEDINGS
02-13-86	77	NOTICE of APPEAL from Order denying its Mot for Judgment Notwithstanding the Verdict of 2/6/86 and from judgment on 8/28/85 by Deft.
02-18-86		NOTATION ORDER by Judge Rubin that doc. #75 is GRANTED.
2-21-86		Sent packet this date containing #60, 74 & 77
02-27-86		Ltr. by pltf's counsel to Court Reporter, L. Kuppin designating materials to be forwarded to Clerk for inclusion in record.
3-10-86	78	Acknowledgment of receipt fm cofa—their number 86-3170
04-21-86	79	Transcript of Trial Proceedings on Monday 8/12/85, Vol. V—L. Kuppin et rprr
04-21-86	80	Transcript of Trial Proceedings on Tuesday 8/13/85, Vol. VI—L. Kuppin, et rprr
04-21-86	81	Transcript of Trial Proceedings on 8/5/85, Vol VII—Tri-County Ct Reporting
04-21-86	82	Transcript of Trial Proceedings, Thursday 8/15/85, Vol. VIII—Linda Kuppin et rprr
04-21-86	83	Transcript of Trial Proceedings, Friday 8/16/85, Vol IX—L. Kuppin, et rprr
04-21-86	84	Transcript of Trial Proceedings, Friday 8/23/85, Vol. X—L. Kuppin, et rprr
04-21-86	85	Transcript of Trial Proceedings, Monday 8/26/85, Vol. XI—L. Kuppin, et rprr
04-21-86	86	Transcript of Trial Proceedings, Tuesday 8/27/85, Vol. XII—L. Kuppin, et rprr
04-23-86		Sent Record to Cofa this date containing 3 vols. of transcript, 16 vols. of transcript & 16 depos.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Case No. 86-3170

DANIEL CONNAUGHTON,
Plaintiff-Appellee,
vs.

HARTE HANKS COMMUNICATIONS, INC.,
Defendant-Appellant.

DOCKET ENTRIES

Date	FILINGS-PROCEEDINGS
1986	
03/03	1) NOTICE OF APPEAL, filed
03/03	2) LETTER—case opening [forms due 3/17]
03/03	3) TRANSCRIPT ORDER from court reporter (L. Kuppin); transcript ordered 2/20; est. 600 pgs; est. com. date 3/27; some transcript transcribed; fin. arrangem'ts made 2/20
03/07	4) APPEARANCE of J. Lloyd for appellee
03/10	5) APPEARANCE of R. Creighton for appellant
03/10	6) PRE-ARGUMENT STATEMENT of appellant (m-3/10)
03/28	7) MOTION: court reporter's transcript to 4/21/86 (m-3/27) (Motion Granted, JPH/kmp, bb)

Date	FILINGS-PROCEEDINGS
1986	
04/25	CERTIFIED RECORD, filed (03 plea; 16 tran; 16 dep.)
04/25	8) LETTER—briefing (6/9; 7/14; 7/31; 8/7)
06/09	BRIEF (10) appellant (m-06/09)
07/14	BRIEF (10) appellee (m-07/14)
07/31	REPLY BRIEF (10) appellant (m-07/31)
08/07	JOINT APPENDIX (5) (m-8/7)
11/20	9) LETTER/COUNSEL—ORAL ARGUMENT scheduled for 1/20/87
12/02	10) ADDITIONAL CITATIONS submitted by appellant (m-12/02)
1987	
01/20	CAUSE argued by Crieghton [sic] for appellant, by Lloyd, Jr. for appellee and case submitted to the Court (Before: Keith, Krupansky and Guy, JJ.)
07/08	11) ADDITIONAL CITE by appellant pje
1988	
01/28	12) JUDGMENT: affirmed, appellee to recover costs from appellant (Keith, Krupansky and Guy, JJ.)
01/28	13) OPINION by Krupansky, JJ., [Guy, J., dissenting]
02/11	14) PETITION FOR REHEARING/EN BANC of appellant (m-2/11)
02/11	15) MOTION of Cincinnati Enquirer, American Society of Newspaper Editors, Natil [sic] Assoc. of Broadcasters, Natl newspaper [sic] Assoc, Radio-Television News and Freedom of the Press for leave to file as amici curiae a memorandum in support of appellant's petition for rehearing en banc (m-2/11) GRANTED (Krupansky/bb)

Date	FILINGS-PROCEEDINGS
1988	
2/11	16) Memorandum of amici curiae, in support, of petition for rehearing of appellants for rehearing en banc (m-2/11) TENDERED Filed 2/11
2/25	17) ADDITIONAL CITATIONS by the appellant
03/01	18) LETTER: directing appellee to file response to petition for rehearing en banc by 3/15; response not to exceed 10 pages; 20 copies; no extensions will be granted
03/15	19) RESPONSE: appellee, to petition for rehearing en banc (m-3/15)
04/04	20) ORDER: petition for rehearing en banc (#14) denied (Keith, Krupansky, and Guy, JJ.)
04/06	21) MOTION/APPELLANT: stay of mandate (m-4/6/88)
04/13	22) ORDER: mandate stayed pending certiorari (Krupansky, J.)
07/08	23) NOTICE of filing Petition for Certiorari for writ of certiorari in Supreme Court (88-10) on 7/1/88

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Civil Action No. C-1-84-0257
RUBIN, J.

DANIEL E. CONNAUGHTON,
119 Court Street,
Hamilton, Ohio 45011,

Plaintiff,

v.

HARTE-HANKS COMMUNICATIONS, INC.,
40 Northeast 410,
San Antonio, Texas 78216,

Defendant.

[Filed Feb. 15, 1984]

COMPLAINT WITH JURY DEMAND
ENDORSED HEREON

This is an action for damages for the malicious publication of libelous statements in the Journal News on November 1, 1983.

1. The plaintiff Daniel Connaughton is an individual citizen of the State of Ohio, residing in Hamilton, Ohio.

2. The defendant Harte-Hanks Communications, Inc. is a Delaware corporation with its principal office in Wilmington, Delaware and its principal place of business in San Antonio, Texas.

3. Jurisdiction is proper pursuant to 28 U.S.C. 1332 in that this is an action between citizens of different states and the amount in controversy exceeds ten thousand dollars (\$10,000.00), exclusive of interest and costs.

4. Venue is proper in the United States District Court for the Southern District of Ohio, Western Division pursuant to 28 U.S.C. § 1391(a) and Rules 2.1.2 and 2.1.7 of the Local Rules of this Court, in that the plaintiff is a resident of Butler County, Ohio and the cause of action arose in Butler County, Ohio.

5. Plaintiff Daniel Connaughton is and at all times relevant hereto was an attorney licensed to practice law in the State of Ohio; on November 1, 1983, plaintiff was a candidate for public office, namely, a position as municipal judge in and for the City of Hamilton, Ohio.

6. Defendant Harte-Hanks Communications, Inc., owns and publishes the Journal News, a daily newspaper of general circulation in the metropolitan Hamilton, Ohio area; the Journal News, in particular, is a division of Harte-Hanks Communication, Inc.

7. The plaintiff, on September 17, 1983, was present at and privy to an extensive interview, conducted at his residence, of one Patty Stephens.

8. Also present at the interview, which was conducted almost exclusively by David Berry, were the plaintiff's wife, Martha Connaughton, Jeanette and Ernest Barnes, Joseph Cox, and one Alice Thompson; the latter is Patty Stephens' sister.

9. The interview was recorded, in its entirety, by use of two separate recording devices; the substance of the interview is contained within three successive 60-minute cassettes of recording tape.

10. The subject matter of the interview, subsequently communicated to the Hamilton police department by

plaintiff, has led to grand jury indictments and ongoing criminal prosecution involving bribery charges against Billy New, former Director of Court Services for the office of James Dolan, judge of the Hamilton Municipal Court and plaintiff's opponent in an election for that position held on November 8, 1983.

11. On October 31, 1983, the plaintiff was invited to the offices of the Journal News for an interview. Plaintiff and David Berry were led to believe that the purpose of the interview was in aid of securing the endorsement of the Journal News in support of plaintiff's candidacy in the upcoming election for municipal judge.

12. During the course of the afternoon of October 31st, plaintiff and David Berry were interviewed simultaneously, in separate rooms. The subject matter of the interview concerned plaintiff's knowledge of the bribery allegations and the means by which he acquired such knowledge.

13. Concurrently, the defendant, by and through its various reporters, was interviewing other individuals who had been present during the September 17th meeting at the Connaughton residence, questioning them, *inter alia*, as to inducements offered Alice Thompson and Patty Stephens by plaintiff or on plaintiff's behalf.

14. Each person so contacted categorically denied that any promises or inducements had been offered.

15. Before the termination of the October 31st interviews at the Journal News offices, plaintiff presented to the Journal News a complete set of the cassette tapes adverted to in paragraph 9, *supra*.

16. On the 1st of November, 1983, the Journal News printed an article signed by one Pam Long. The article received front-page headline treatment under the caption, "Bribery Case Witness Claims Job, Trip Offered." A copy of said article is attached hereto, marked as Ex-

hibit A and incorporated by reference as if fully rewritten herein.

17. The article asserts, *inter alia*, that plaintiff employed "dirty tricks" in eliciting statements from Alice Thompson, that plaintiff offered jobs, trips and other inducements to Alice Thompson and her sister Patty Stephens to elicit statements respecting the aforesaid bribery allegations, is libelous per se in that it imputes unethical behavior to the plaintiff as a lawyer and portrays the plaintiff, both expressly and by innuendo, as a person unfit for public office.

18. No effort was made by defendant to contact or interview Patty Stephens before publishing the November 1 article.

19. The defendant did not listen to the tapes which had been furnished them by plaintiff on October 31st prior to publishing the November 1 article.

20. The defendant, between the time of publication of the article and the election of November 8, cancelled an interview with Patty Stephens.

21. The allegations in the article which the defendant made concerning the plaintiff are false.

22. The tapes presented to defendant on October 31st and the statements of Patty Stephens reveal that the contents of the article are false.

23. The allegations of the article were made with actual malice in that the defendant published the article in reckless disregard for whether the statements were true or false, and with the intent to injure plaintiff's reputation and to prevent his election to the Hamilton Municipal judgeship for which he was a candidate in order to ensure the reelection of incumbent James Dolan.

24. The publication of the article has substantially damaged the plaintiff's reputation, not only personally

but professionally and politically, has prevented his election to the judicial position for which he was a candidate, and has caused him to endure extreme humiliation and mental and emotional distress.

WHEREFORE, plaintiff prays for damages against the defendant in the sum of Ten Million Dollars (\$10,000,000.00), and for all other relief to which he is entitled including punitive damages, reimbursement for attorneys' fees and costs of this action.

Of Counsel:

Lloyd, Frank & Weissenberger

/s/ John A. Lloyd, Jr.

JOHN A. LLOYD, JR.

ARMIN FRANK

Trial Attorneys for Plaintiff

414 Walnut Street, Suite 610

Cincinnati, Ohio 45202

(513) 381-7200

JURY DEMAND

Plaintiff demands a trial by jury.

/s/ Armin Frank

ARMIN FRANK

EXCERPTS FROM TRANSCRIPT OF RECORD
[TESTIMONY OF JAMES L. BLOUNT]

* * *

[51] Q. Do you remember when Judge Dolan came to see you sometime during that campaign with reference to being [52] interviewed by the Cincinnati Enquirer?

A. Yes, I believe that would have been on the 25th, which would have been two days before publication of the story in the Enquirer.

Q. What did Judge Dolan say to you then?

A. Well, he covered several things. He first started by asking some questions about procedures for press conferences and whether—who could be expected to attend, that type of thing, if people would attend. I think he was looking for information. Number one is, as to whether we would attend the press conference if he called it. We talked for several minutes about what is a press conference in the eyes of the press, what's a press conference in the eyes of a person who calls a press conference. Those two don't always match up.

Q. Did Judge Dolan tell you he was concerned about some interviews that he had had with representatives of the Cincinnati Enquirer?

A. I don't think that's exactly the case. I think he confided to me that he had not—he felt he had not been interviewed by them, but had been told that there would be a story in Thursday morning's edition on page one, and as he related to me, he felt like he had been threatened that if he didn't cooperate with the Enquirer and give them some information, that that story and others might do him some [53] damage.

Q. You were acquainted with Judge Dolan, were you not?

A. I've known Judge Dolan, yes, when he was a lawyer, as a candidate and had interviewed him, have been in his courtroom as an observer.

Q. The Journal News had endorsed him?

A. Gave him an endorsement when he ran the first time, six years previously.

Q. You took your journalism class at Miami to observe his courtroom operation, did you not, sir?

A. That's correct, because that was the only courtroom at the time we had an opportunity to visit, the only one that was in session.

* * *

[56] Q. Would you take a look at Plaintiff's Exhibit 1? Would you hand Mr. Blount that exhibit?

Can you tell us what that is, sir?

A. This is a column which was published, there's no date on it. To my recollection, it was published on Sunday, October 30th. This is undated. I'm assuming we are talking about the same one. The column which I wrote commenting on the election and the particular, the Municipal Court election.

Q. In that, you say, calling your attention to column three, the material that appears under your picture, "In the process, the motives and credibility of the Cincinnati newspaper are also in question," do you not?

A. That is one sentence in that rather long story which that's well over half the way down, yes. I think the paragraphs right before that put it in a little different context than you are presenting. It says, "Another potential loser is the media—especially the Journal News."

THE COURT: Let the witness finish his answer.

THE WITNESS: Which reads a little different when you take it out of context. Says, "Another potential [57] loser is the media—especially the Journal News and the Cincinnati Enquirer. Stories on the Dolan-Connaughton fight in the Enquirer last week certainly helped fuel the fire. But in the process the motives and the credibility of the Cincinnati newspaper are also in question. Some observers are asking how the Enquirer can justify the

placement of a story critical of Dolan at the top of page one, Thursday morning, October 27th, two days after U.S. forces participated in the—

THE COURT: Mr. Blount, I think you are going beyond.

Q. I was going to ask him, if permitted, to go and read the rest of the column.

THE COURT: If you have no objection.

THE WITNESS: I'm trying to answer exactly.

THE COURT: No problem.

THE WITNESS: To go back to this paragraph. "Some observers are asking how the Enquirer could justify the placement of the story critical of Dolan at the top of page one, Thursday morning, October 27th, two days after U.S. forces participated in the invasion of Grenada, a day after the legality and necessity of the military action was questioned or condemned by some members of Congress and U.S. allies and while the nation was still angered by the deaths of 225 U.S. Marines, in a terrorist explosion last Sunday.

[58] "Judge Dolan suggested an answer when he charged Jim Delaney with threatening a page one smear Thursday morning if the judge didn't cooperate with the newspaper and its reporter, Karen Garloch, and if the judge didn't cancel a press conference opened to all media scheduled for Thursday afternoon."

I think that probably I can go on and read it.

Q. Read the next paragraph.

A. Says, "Also surfacing periodically through the campaign has been the unproven suggestion that the Connaughton forces have a wealthy, influential link to Enquirer decision-makers."

Q. Let me ask you some questions. First of all, would you say that it was somewhat of a departure from customary practice to criticize another newspaper in its placement of a story?

A. Well, again, I think you are suggesting I was criticizing the Enquirer. I started out by including the

Journal News as one of those that stood to lose in this rather complicated election. Yes, it is somewhat unusual, but it's not the first time it's happened. Newspapers sometimes get into a little contest with each other. That was not the intent of the column. The column, as I said before, you are talking about really the tail end of the column.

The first part of the column talks about the [59] dilemmas facing candidates, facing the county prosecutor, facing almost everyone who had any connection at all with this. It was a very complicated campaign.

Q. As of the twenty-seventh, excuse me, yes, the twenty-seventh, the day the Enquirer broke this story, would this be the Enquirer story that was the biggest, most prominent story that any newspaper wrote about the Municipal Court in Hamilton up to that time?

A. Probably. We had covered it just two days before, with two guest columns from candidates. We had been covering several aspects of it over time. It was probably about the first time that the Enquirer had mentioned it except to list the candidates from time to time—it was probably—Let's put it this way, it was probably one of the most spectacular stories at that time.

Q. A more spectacular story about this in the Journal News had run, right?

A. I don't know, if you consider the resignation of Billy New. We had that story a month before this in our afternoon edition. The Enquirer had it in the morning. I think that was probably the most startling story in this whole campaign, his resignation.

Q. After that time, the Enquirer and the Journal News had the two papers of that largest circulation in the Hamilton community?

[60] A. In the Hamilton area, yes.

Q. Was Journal News, as of that time, did the Journal News have a larger circulation than the Enquirer?

A. Yes, in the area served by this court.

Q. In other words, as veteran newspapermen familiar with the Hamilton community and the impact of newspapers on Hamilton voters and residents, did the Journal News have a greater capacity to influence public opinion in Hamilton than the Enquirer did?

A. I would like to think so, except you never know if anyone reads what you write and, second, if it has any impact on their thinking. You are asking me to draw some conclusions for about a hundred thousand people and I can't do that.

Q. As a matter of fact, you rather resented the Enquirer's big story on this issue, didn't you?

A. Not at all. I had no resentment at all. I have nothing to resent. I'm a former Enquirer employee. I read it faithfully, both professionally and because I enjoy reading it. I have no resentment on the Enquirer.

We like to get a story ahead of them, but it's like the Bengals and the Steelers. Sometimes the Steelers are going to win and sometimes the Bengals are going to win.

Q. Do you regard that exercise as kind of a contest between the two papers, who is going to win?

[61] A. No. Certainly, we like to have more than they do, but it's not like we are out there every day trying to one-up on everyone. It's not always who comes out with the story first that counts. There are a lot of stories that we know that they are going to get because of just the timing. They are a morning paper, we are an afternoon. Sometimes we feel that we have more time to develop the story and do a better job even though they had the story first and vice versa. Time is a factor. There's a lot of things that influence a story.

Q. Looking at the last paragraph of that column, "Also surfacing periodically through the campaign has been the unproven suggestion that the Connaughton forces have a wealthy, influential link to Enquirer decision-makers." What was that all about?

A. Well, that goes into rumor that has been circulating from probably shortly after Dan Connaughton filed his petitions for candidacy for office. Had to do with directly with a woman who was working in his behalf, who had been a former employee of Judge Dolan and, of course, says that it's an unproven suggestion, unproven rumor that had been going around. Does not express it as fact. That the rumor was fact. That had to do with this woman's daughter marrying the son of a former owner of the Cincinnati Enquirer and people construing through that, that even though that [62] person was no longer owner of the Enquirer, that there was some connection some way that that person could bring some influence directly on the campaign through the Enquirer and, of course, as we know, with rumors and folktales and legends, they have many forms, that this person would possibly be a large contributor to the Connaughton campaign before the election was over.

Q. Who was this person?

A. The person was mentioned by name through all these was Carl Lindner, who had been the owner of the Enquirer at one time.

Q. Did you do anything to verify whether this was true before you wrote it in this column?

A. The rumor was certainly true. I didn't have to verify it. I heard it many, many times. It had been discussed at political meetings with Mr. Connaughton and Mr. Dolan were there. Mr. Lloyd, it's an unproven suggestion, knowing Mr. Lindner, he was not going to talk to me.

I had talked to Ray Nardine, who would have been the grandfather—father of the woman who worked for Judge Dolan and would have been the grandfather of the woman who was married to Carl Lindner's son. He talked about the rumor. Knew about it. As to the question of whether there was any campaign contribution or not, he didn't know of any, but we also talked about the possibility at that time that [63] there was still time for campaign contributions.

Q. He told you he had no basis to confirm it?

A. That's correct, or deny it.

Q. Did you ask Mr. Ryan about the—

A. Mrs. Ryan?

Q. Yes.

A. No.

Q. Did you ask her daughter?

A. Her daughter?

Q. Yes.

A. No, I did not.

Q. The person married to Mr. Lindner's son?

A. This column was not commenting on whether the rumor was true. I am just saying this was one of the rumors in the context of this campaign which made the Enquirer story appear even more unusual to persons in the community who had heard the rumor about the so-called Lindner connection.

Q. In other words, your suggestion here was the Enquirer was running a story critical of Dolan because Mr. Lindner had an interest in the election of Mr. Connaughton?

A. I'm not saying that. I'm just saying this was one of the stories that was circulating in the community. Comes to no conclusion as to whether it was or was not. Certainly was fact that that rumor was very prevalent in the community, many times kind of peaked and valleyed several [64] times during the campaign and the publication on the twenty-seventh revived the rumor instantly.

Q. Was it your normal practice to publish unconfirmed rumors?

A. Again, I specify that the language that I used was that it was an unproven suggestion.

Q. Can you answer that question?

A. Can I answer that question?

Q. Yes.

A. There are various rumors, most stories that originate in a newspaper come from a rumor and in

some way are verified. We are not talking about a news story. We are talking about claims in the community and just basically laying out some of the very strongest things that were being said.

Mr. Connaughton had, I'm sure, had heard this rumor before and associated it with his campaign. Had never, in our very frustrating contact with, had never asked us in any way to print a denial or come forward with a denial.

Q. Would you acknowledge that the publication of an unproven rumor would have a capacity to damage someone?

A. Depends on what the rumor is. A rumor can also help the person. Depends on the mind of the reader at that time. Here again you are asking me to make an interpretation for others which I would rather not do.

[65] Q. Well, okay. Now, would you next turn, would you hand the witness Joint Exhibit I, please?

Do you see that, sir?

A. Yes.

Q. What is that?

A. This is the story that was published in the Journal News on Tuesday, November 1, 1983.

Q. You are familiar with this story?

A. Am I familiar?

Q. You are familiar with it?

A. Yes.

Q. You played a role in the inception of it and the development of it, did you not?

A. Yes.

Q. You participated in the conference along with others finally to approve the publication of it, is that right, sir?

A. That's correct.

Q. Tell us about the occasion when you and Pam Long had an interview with Alice Thompson, will you please?

A. I would rather start that before the interview and how it came about.

Q. I don't care.

A. Put it in the proper context.

Q. You tell us everything you know about it.

[66] A. Somewhere in the vicinity of, well, let's go back. The conference to which you are alluding was the morning of October 27, Thursday, October 27.

Q. Excuse me. That's the morning the Enquirer article about Dolan came out?

A. Yes. Approximately a week to ten days before. As I was leaving my office to go to another part of our building, I encountered a person by the name of Hank Masana, a lawyer in Hamilton, who was coming into the building and right away asked if he could talk to me.

Q. Was that that morning?

A. No, no, we are talking about ten days, probably a—might have been two weeks. It did not appear on my calendar because it was not scheduled. I was on a tight schedule because I was interviewing candidates. This was a time I allowed myself a breather to do some other work and I was—we met kind of at the doorway.

He said that he had something he wanted to talk to me about and wanted to talk in confidence. I assumed that it had something to do with either Billy New or with the election for Municipal Court and was correct and asked him at that time if he would mind the publisher being part of the meeting, Joe Cocozzo, because naturally, we talked frequently about various developments in the campaign, so on and so forth. What it had come down to was that Masana said that the person [67] wanted to talk to us, did not know if she could approach us or how she could approach us, that he was acting as kind of an intermediary to, number one, see if we would be interested in talking to this person, and if so, to see if something could be arranged.

Q. You told me you and Mr. Cocozzo, the two of you were together in a meeting that was held at the Journal News?

A. We went in the publisher's office for that meeting.

Q. Did you know at that time that Mr. Masana was Billy New's lawyer?

A. Yes, very much. As I said, when he walked in the door I assumed that when he said he wanted to talk to me, that that's exactly what he was there to talk about.

Q. Billy New was a person, bailiff in Judge Dolan's court?

A. Director of Court Services was his correct title.

Q. He had resigned?

A. He had resigned approximately a month before.

Q. What that the subject of a Grand Jury inquiry?

A. The Grand Jury was scheduled to meet, I believe the thirty-first of October or the first of November.

Q. You knew all that when you and Mr. Cocozzo talked to Mr. Masana?

A. Yes, I've known Mr. Masana for many years and [68] dealt with him many times on other matters.

Q. Go ahead.

A. Out of that came the arrangement to meet with a woman by the name of Alice Thompson, whose name we recognized as one of the persons who had been subpoenaed before the Grand Jury.

Q. But Mr. Masana asked you to meet with Alice Thompson?

A. I wouldn't put in that particular language. He was there to inquire if we would be interested in meeting with her. I'm not sure if it was said then or said later, something to the effect that she had tried to talk to the Enquirer and they weren't interested in listening to her.

Q. As a matter of fact, she told you that?

A. She told us that to—

THE COURT: Let him finish his answer.

A. That she had some things to talk about. Our concern that the point was that we didn't want to delve into the Grand Jury's work. Our basic philosophy is that when the system works, we report it. When it

doesn't, then we try to in some way report it and at that time, there was nothing to indicate that the criminal justice system regarding Billy New having a Grand Jury hearing and so on and so forth was not going to work. In fact, it was all occasions that it would be some handling of his case and some decision by the Grand [69] Jury before the election, which was one of the things discussed in that column.

Q. May I ask you a question? My turn.

Did you know at that time, were you told by Mr. Masana that this woman that wanted to talk to you was a witness who was subpoenaed to be before the Grand Jury?

A. When I mentioned the name I had seen, by that time, I think in fact, again, I'm not sure of the date that he came into the office, but I believe it was possibly even the day after the publication of the list of people who had been subpoenaed, twenty-five.

I had had some indication from others who these people were and what their background was and so on and so forth. The name was not unfamiliar to me. I knew she was a Grand Jury witness. That's one of the things why we discussed at that time—we were not there to do the Grand Jury's work. That we would listen to the woman, we could not promise whether we would publish the story or anything of that nature but we would be willing to listen to her. It was still at that time a little fuzzy as to what the subject matter would be. Had something to do with she felt she had been tricked and that some promises had been made to her that were not being kept regarding her name not being made public.

* * *

[72] Q. After that conversation, what steps did you take if any to set up the interview with Alice Thompson?

A. We agreed we would listen to her. That was the only agreement we had made at that time. This was of course Mr. Cocozzo and myself. And that the next step

would be for either Mr. Masana or someone, the woman or someone to call and arrange a time and place and a date. Mr. Masana was not too sure of scheduling and so forth and we kind of left it there, that he could get the word back, yes, that we would at least listen. We couldn't promise that there would be anything come of it.

The reason to start that I think I said it was about ten days before the interview. I believe that Mr. Masana was going to take a few days' vacation. I think that came out at that time and so that it was several days before the time was set. I believe it wasn't set until Monday or Tuesday, the twenty-fourth or twenty-fifth of October.

Q. In any event, you did have an interview with that lady on the twenty-seventh, did you not?

A. Yes.

* * *

[78] Q. Mr. Blount, she told you in the course of this interview in connection with discussing or saying what Dan Connaughton is supposed to have said to her, that Dan's voice isn't on the tape. I don't want you to take my word for it. Would you look at page twenty-four of this transcript, please.

A. If I remember that without looking at the transcript.

Q. She said, "I don't think Dan's voice is on it," remember that?

[79] A. Yes, this was in regard to I think, again, if we go back to some of the previous pages, we were talking about whether Dan's voice was on there in regard to things like trips and jobs and meals and restaurants and things of that type. I don't think it's an overall statement that his voice is never on the tape in regard to anything.

Q. Let's—

A. I think that question was asked of her again and I think it's clarified somewhere in there.

Q. Would you look on page twenty-eight. Did she not say, "Like I said, though, the tape recording was off when Dan spoke."

A. How far down the page? Twenty-eight, you say?

Q. This doesn't have numbers on it on the left-hand side. Most of these deposition papers do. It's in the middle. You asked, "Was it Dan Connaughton himself who talked about the trip?" She said, "Yeah, he did most of the talking in the living room. Like I said, though, the tape recording was off when Dan spoke."

A. That's right.

Q. Would you look at page thirty-one, please?

You say where—see where she said near the top of the page, "But like I say, if you listen to the tape, you are not going to hear it because his voice ain't on the tape."

A. That's right, don't you have to go back, I think, [80] to what we are talking about at that time and that was the trips and the jobs and things of that type. It was in that context. It was not in the context that his voice would not be heard on any of the tape.

Q. Did you ever listen to this tape before this article was prepared and published?

A. The tape?

Q. The tape of the interview or the tapes of the interview—

A. There were three tapes, not one.

Q. Well, there may have been, yeah, I won't dispute that. Three tapes. Any of the tapes—

A. Three tapes and multi-copies.

Q. Would you let me finish, please? Did you listen to any of the tapes of the interview conducted by Dan Connaughton with Miss Stephens and Miss Thompson on the 17th of September? Did you listen to any of those tapes before you approved and published the article about Dan Connaughton on the figures of November 18, 1983?

A. No, because we had from several sources what was on that tape, there was several sources including

Mr. Connaughton, that there was no mention of things we were exploring at this time?

Q. My question to you is, you acknowledged that you said on a number of occasions that Dan's voice is not on the [81] tape?

A. Regarding trips and jobs and so on.

THE COURT: Mr. Blount, you must let Mr. Lloyd.

Q. You were, I presume, concerned that you were dealing with a credible person in Alice Thompson, were you not?

A. Correct.

Q. Wouldn't one of the simplest ways to determine her credibility be to play the tape to see whether her statement that Dan's voice is not on it is true?

A. No, because we had been told from other sources that this matter, as I previously said, saying it was not on the tape. This was not discussed on the tape. We had been told by other persons that the tape was junk as far as evidence.

Q. The tape was what?

A. Junk.

Q. So you don't think that—or you didn't then think it would be useful to you in order to determine her credibility to listen to any of the tapes made during that entire prolonged interview, the nature of the 17th of September where she was supposedly involved?

A. Out of curiosity, yes. I probably would have liked to have time to listen and listen several times, but [82] out of necessity no, because I, again, had been aware of the tapes. Before Miss Thompson mentioned the tapes, I had asked—in fact, several people had called me to tell me or ask why we weren't doing something about it, so on and so forth. I had asked questions about these tapes and as I've answered, was told by people who had been involved in the investigation that the tapes were junk and, in fact, that the only thing on the tapes were mention of things that had happened in Municipal Court involving Billy New.

. . . .

[84] Q. On page fifty-seven, you said that, if you will follow this with me, "Obviously, we can't quote your sister. What's your sister's position in this? Would she support you or would she support him? In other words, if somebody said to her who is telling the truth." Remember that?

A. Uh-huh.

Q. Then Miss Thompson, is this the answer, "She will tell you about the trips, the dinner at the Maisonette, the job, everything. She will tell you the truth because he offered it to her too." Remember her saying that?

A. Uh-huh.

Q. Then you asked, "Does she know that you are here today?" The answer, "I haven't talked to her today." Then you asked, "Did she know you were planning on getting with us." And then following on the next page, "I kept on telling [85] her, you know, that I was going to talk to the Journal News, listen to everyone. Get the whole story," and she goes on and on. But it did occur to you, didn't it, sir, during the course of this interview that it would be very important to talk to Patsy Stephens to see whether she would, as you say, support you, that is, her sister, or support him, I suppose that's Connaughton?

A. At that time it would have been interesting to hear her comments but there were some developments later on which changed the whole importance of her views.

Q. Later on, you decided it wouldn't be important to—

A. No, that's not the case—

Q. To see what Patsy Stephens said?

A. We hoped to talk more. What I'm saying is that some things that transpired later on, specifically the interview with Mr. Connaughton, some of the things he said in that interview, made Patsy Stephens really a big player in this.

Q. Patsy Stephens was the main player so far as supplying information about Billy New in the operation of Judge Dolan's court, wasn't she?

A. That is correct, we knew that.

Q. Alice Thompson was kind of an excess baggage, just went along with her sister on these occasions, didn't she?

[86] A. That's your judgment. I don't know if I can draw that exact—

Q. Well, did you ever listen to at any point to the tapes of that Long interview that Mr. Connaughton and his people had with Thompson and Stephens?

A. Did you ever before the article was published?

Q. Not at any time?

A. I listened to about fifteen minutes of it later on.

Q. To this day as you sit here, you still have never heard more than fifteen minutes of that—

A. That's right, because I took the word of trusted law enforcement officers and others that what was on the tape and what the subject matter was and also their, as I said, one or two of them said, the tapes were junk. That's what they said. As of any kind of evidence or proof, they were junk.

Q. Who was it told you the tapes were junk?

A. I don't remember—one of the Hamilton detectives had made that comment. I believe when I had talked to John Holcomb the county prosecutor, he also relayed that—I don't know if he used the word junk. He may have said worthless.

Q. Didn't he use a tape in front of the Grand Jury to get an indictment?

A. Again, we are talking about two [87] different matters. We weren't investigating Billy New. As I explained before, we were not going to do the Grand Jury's job of investigating Billy New when the system was working. We were exploring more the question at that time and the question wouldn't come out because of the secrecy of the Grand Jury was how Mr. Connaughton

got his information. When he got it and if he had to do anything to get it. Those were questions that had been circulating in the community for months.

Q. You think that maybe the tapes were junk for one purpose but not for another?

A. I'm saying that I think the Grand Jury relied on the direct testimony of the people, not on the tapes. The police certainly didn't rely on the tapes. In fact, they went out and interviewed the people on their own and submitted their own written reports. They didn't go on the basis of what Alice and Patsy said on the tapes. I can't tell you—the Grand Jury was a secret proceeding I wasn't privy to.

Q. Would you look at page sixty-two of the transcript, please? Defendant's Exhibit J.

Do you have that in front of you?

A. Uh-huh.

Q. See where it says, Mr. Blount, "What would happen," this is you, "What would happen if we called your [88] sister? Would she talk to us, or would she be upset with you, or would she be upset with us or both of us or . . ." Then she said, that is Alice, said, "I think she's scared right now to talk to anyone because Cincinnati Enquirer has been trying to get her to talk to them. She's getting scared now since this is all reality. My sister is, she's kind of weak-minded when it comes to anything like that. She won't do nothing for nobody unless she thinks she's benefitting. Unless she was getting a job out of this and would make something of herself out of this."

Your comment is, "Used her all the way. Now she's seeing it. It's coming to where she ain't going to get nothing out of it. She's caught up in the middle of this. She's scared."

Do you remember that?

A. Sure.

Q. Based on that statement that Alice made, you say, you didn't think it was important talk to Patsy Stephens to see whether Alice told the truth?

A. I'm saying as our work on this story unfolded Patsy Stephens went from being a person that we would put high on our list to talk to, to a person that was on the periphery of the story. That all changed on the basis of Mr. Connaughton's words and actions on the thirty-first.

* * *

[92] Q. Did you bear in mind as you were evaluating the credibility of Miss Thompson that she had a criminal record?

A. Yes, in fact, I think that's in the transcript here where she goes into some detail about it.

Q. She had twice been convicted of crimes in the Hamilton Municipal Court?

A. I think one was shoplifting and one was assault.

Q. One involving an act of deception, shoplifting?

Q. Do you regard a person who is potentially deceptive who's been convicted of shoplifting?

A. I don't know if I can draw that conclusion. You are asking me to draw a conclusion on a lot of facts that I wasn't privy to. I'm not trying to be evasive.

THE COURT: You may proceed. You are answering appropriately.

Q. You were aware, were you not, that she had some psychiatric problems in her background?

A. There were rumors to that effect and of course when we pressed Mr. Connaughton on whether he had checked that out, he couldn't—psychiatric records and treatment [93] are not something that is a public record so it's not something we can check out.

Q. You were aware that she was a person who had joined with others in giving testimony, at least the prosecutor thought was important enough to bring in

front of the Grand Jury which was considering indicting Billy New, you knew that?

A. Sure, the prosecutor told me that she was one of the most credible witnesses he had.

Q. You also knew that she was talking to you because she was uncomfortable that her associates or some people she knew would think poorly of her as a result of that?

A. That was one element, yes. She had thought that her name would not be used in public and that she thought that she had some promise from Mr. Connaughton in that regard.

[109] Q. Would you turn to page 88, please?

Does this question appear on page 88 or did I ask it? "And you can't give us any detail about the attempts that were made by Pam Long to reach Patty Stephens?" Remember that?

A. Uh-huh.

Q. Was this your answer? "Not in any detail. Again as I said, I was present when they were talking at one time. I was informed of two scheduled meetings and, as I said, I re-arranged my schedule so I would be available. In fact, one or both of those were probably going to be held in my office so that there would be some privacy. I know they didn't transpire, let's put it that way, we were there. We were available, we were expecting her. She didn't show."

Do you remember giving that answer?

[110] A. Yes.

Q. Would you turn to page 129 of that deposition, please, Mr. Blount?

Do you see in the paragraph that begins on that page, you said—and there's more here than that, but I'm not trying to eliminate it, but I'll ask you this. Did you say, "I personally was present on the thirty-first when Pam Long was on the phone talking to Patty Stephens"?

A. Are you on page 129?

Q. Page 129.

A. What was—

Q. Well, let me read you the rest of it. You said "I believe, I'm not certain, but I believe there was some effort to contact her before that because I think if you go back to the transcript, which you just recited, there was some question about Patsy Stephens on there. I don't know. I think it was after the tape recorder was off."

Then you go on to say, "But we got from Alice the phone number where she said she could reach Patty Stephens and I believe Mrs. Long tried to contact her either on that Thursday or Friday, but I personally can say that I saw or overheard Pam Long talking to her on the afternoon of the thirty-first."

A. That's my impression at the time.

Q. Did you instruct someone, reporter for the [111] Journal News to ask the police whether Alice Thompson told the Hamilton police what she told you about Dan Connaughton making promises and offers to her?

A. Not in those words, no. I did ask the police report to check some things on Alice Thompson with the police department, yes. Not as you say.

Q. Do you remember saying you told Tom Grant to ask the police if Thompson told them the same things that she told you?

A. Yes, generally, uh-huh.

Q. That is what you asked him to do is check with the police to see whether Alice told them about Dan's promises?

A. If there had been any, yes, if she had tried to tell that story, yes.

Q. Do you know whether he did that or not?

A. He asked about her credibility. He got kind of a blanket answer from them. That there was an investigation. was contending something to that effect. He did report back to him in that respect, yes. That's one of many checks we did.

Q. But he couldn't verify from them that she made such a statement to them, could he?

A. I don't think Tom Grant did, no, uh-huh.

Q. You don't think anybody else did?

[112] A. I had talked to some police officers.

Q. What police officers did you talk to?

A. I talked to so many at that time it would be hard to name them by name. I talked to—in that period, for various reasons, I was talking to quite a few of them.

Q. About Alice Thompson's credibility generally?

A. Yes.

Q. Not specifically about whether she told the police those things she told you about Dan Connaughton?

A. There were a lot of discussions going at that time with a lot of people. I probably talked with more than one police officer about not only her background, but did she try to tell the story to them.

Q. Did they remember the story?

A. To the best of my recollection, we got the positive response there that with an explanation as to why they were interested in listening. The direct answer is yes, at least one or two other expressed to me remembering.

Q. Would you turn to page 123 of the deposition?

[113] Q. Do you see the question toward the end of the bottom of page 121? "Did you ask or anyone else from the Journal News ask anybody from the Hamilton police whether Miss Thompson told them the same things she told you about inducement for Mr. Connaughton?" Do you see that?

A. Yes, sir.

Q. Was your answer, "Tom Grant, who was our police reporter and in daily contact with the police department was asked to ask that question starting with, I believe, the chief and then get the chief's permission to follow it as far as he could." Then continuing, your answer, "Mr. Grant's report back to me was they did not pursue that line of questioning. They were only interested in Billy New in court. They were not interested

in what Mr. Connaughton had done or had not done. They did not, as I recall, did not recall her saying that. But as I recall, they said they were not interested and their assignment from Mr. Landrith, through the chief, was to follow the information provided by Mr. Connaughton."

Then I asked this question, didn't I, "It would be true then that of all the people the Journal News interviewed, no one corroborated Alice Thompson's story that Mr. Connaughton made those inducements to her?" Then your answer to that was, "Mr. Connaughton used the key words mentioned, right."

. . . .

[583] Q. How long have you known the plaintiff, Dan Connaughton?

A. Probably in the vicinity of twenty-five years. I've known of him. I don't know if we knew each other during all of those twenty-five years. I would say we have known each other somewhere in the vicinity of twenty. I've known of him in high school because of his athletic background and my athletic background.

Q. Do you now or did you on November 1, 1983 bear any animosity towards the plaintiff?

A. No.

Q. Would you tell the jury your view of the import of the judicial seat for which this election contest was waged?

MR. LLOYD: May we hear the question?

THE COURT: Read the question, please.

(Question read back.)

MR. LLOYD: Okay.

A. The Hamilton Municipal Court covers not only the city of Hamilton, but the two surrounding townships, Ross [584] Township and Sinclair Township, so it is the basic court, the more or less people's court for approximately one hundred thousand people. It's the court they

are most likely to come in contact with if they have some problem with the law, such as traffic offense, things of that type. It's volume, as I recall, at this time was in excess of twenty-three thousand cases a year, which is substantial. I don't remember the exact ranking, but I believe it was among municipal courts and courts of that level, it was in the top five or six in the state in volume, with one judge. So it's important not only because of the volume of cases, but because it's the court that the ordinary citizen is most likely to come in contact with, the people's court.

Q. About how many patronage jobs or jobs that the judge who is elected, how many jobs are there that he has control of?

A. I'm not sure of the exact number. When you start to count such things as acting judges, you could get as high as thirty, I assume. I would say twenty is a comfortable number and probably up to thirty.

Q. In your own words, would you tell us how this campaign unfolded, from your viewpoint?

A. The campaign really started before there were any candidates or any candidates who had filed. It started back in probably late February or early March of 1983 with a lot [585] of rumors about who was going to run and why and what was happening in court. That was one of the times when the name of Billy New started to surface. It had surfaced at probably a year or two before, probably a year before and then had subsided, but then somewhere in the end of February, first part of March of 1983, the rumor started and then, of course, by the end of the month, March, Mr. Connaughton was a candidate, and it at first looked like it was going to be an interesting race, but just one of about seventy and of course as the summer went on, as the rumors and the innuendos and speculation and so forth increased, it overwhelmed all the others very quickly. By Labor Day, it was the focal point in the minds of anyone who was paying any attention to the political scene at that time.

Q. Does the Journal News have a fairness guideline on the publication of new claims in political elections?

A. Yes, we have a guideline that we have tried to follow. Incidentally, we put it in in the election, right after the election of 1971. We started with one before '71 and after the election of '71, we sat down and tried to write, with the advice of our attorney and also others, some type of a guideline that would get away from the so-called late hit. It had been the practice and politics in Hamilton, particularly for many years, back from my childhood when I first became interested in politics, to see candidates run [586] advertising both in a newspaper and on the radio on the last day. In other words, Monday with the election to be the next morning. In effect, that gave the opponent no chance to answer or to countermand or to get his or her word in in reply, and I just felt that for various reasons we should try in some way through our own standards, news and advertising, create some state of fairness.

So we established some rules that said no new charges after the Tuesday before, also that we would try to publish any endorsements, if any, no later than that time. It worked, I think has worked effectively to kind of snuff off some of the late hit or late charge politics that had been the norm.

Q. What was your role in the coverage of the political campaign of 1983, very briefly?

A. I was probably the person who was the overseer of the whole thing and very much involved in it. I was the person who was going to prepare for the publisher's approval, our endorsement editorials. I interviewed most of the candidates. We don't interview all the township candidates, but we interviewed candidates in the cities of Hamilton and Fairfield and major school boards in our area. Again, I think in November, 1983, we had more than seventy different contests involving I believe the figure was around a hundred and thirty-three candidates.

I also coordinate with those—[587] we would offer to those hundred and thirty-three, a chance to write a guest column for the newspaper—I coordinated that effort. Also, just anything else.

As I said before, try to maintain an open door, because often candidates would either call or come in or ask to meet, sometimes to talk about issues in their particular race or simply to ask about matters of press relations, how they should handle this or that, that type of thing.

Q. Mr. Blount, now turn to late September, 1983. September 22, 1983, Billy Joe New resigned. What effect did this have, to your observation, on the campaign?

MR. LLOYD: Your Honor, may I be heard on that? At Side Bar:

MR. LLOYD: I am going to object to that question. He can ask this witness about this article, but these far-ranging questions about the campaign—

THE COURT: Come on, Mr. Lloyd. This is background. It puts this thing in its proper context. You were given the widest latitude you sought for four days. You've presented your case. It's their turn. I'll going to give them equal latitude. Objection overruled.

Before the Jury:

THE COURT: Objection overruled.

(Question read back.)

[588] A. As I said before, by Labor Day, it was obvious that this was, in most people's minds, the most interesting campaign. When Billy New resigned, that erased any doubt as to whether this was going to be the focal point in the election. Up to this time in Hamilton and the City Council race there had been some issues that looked like they were going to be ones that people would hold on to and talk about socially and so forth. But I think once Billy New resigned, there was no question that the Municipal Court race became the key. Also, at this time, it seemed that there was some change in the cam-

paign focusing away from handling the cases in the court, particularly drunk driving cases, and more on the administration of the court and what should be or what was the judge's knowledge or role, if any, in relation to Billy New.

Q. Did the Journal News cover the resignation of Billy New?

A. Yes, uh-huh.

Q. In what way?

A. We had the break on the story. It was announced that morning, the twenty-second by Judge Dolan. I believe he came in the office somewhere in the vicinity of ten o'clock or 10:30. I'm not sure of the time. We had the story in that day's edition.

Q. The jury has heard that on September 27, 1983, [589] Mr. Connaughton filed what has been referred to as a private criminal complaint, a letter to the Safety Director, Jeff Landrith.

A. Correct.

Q. I believe the jury has even seen that letter.

MR. LLOYD: Your Honor, may I be heard?

At Side Bar:

MR. LLOYD: Your Honor, I do object.

THE COURT: I agree.

MR. LLOYD: Characterizing what the jury has heard.

THE COURT: Objection sustained. You can't do that. You characterized something and it may or may not be. I've never heard that phrase before in connection with this case. A private criminal complaint. I don't know what that means. I'm not willing that the door be opened to a brand new issue in this case.

MR. CREIGHTON: I'm sorry.

THE COURT: All you got to do is object.

MR. LLOYD: Beyond that, I think it's improper for him to premise a question to this witness where this jury has been told or Mr. Lloyd asked or what—characterized the prior testimony.

THE COURT: I can't deal with that in the abstract. I will sustain this objection.

[590] Before the Jury:

THE COURT: Objection will be sustained. Jury is instructed to disregard the question in its form. You may ask the question in another form.

By Mr. Creighton:

Q. Mr. Deputy Clerk, would you please bring to the easel for the jury's view Defendant's Exhibit C, one of the large ones? Would you hand the witness the exhibit book?

Sir, I've had the Deputy Clerk hand you an exhibit labeled C, Defendant's Exhibit C. Would you tell the jury what that is?

A. This is the letter or the complaint, written complaint, that Mr. Connaughton filed with Jeff Landrith, who was then the Director Public Safety for the City of Hamilton, dated September 27, 1983.

Q. Did the Journal News know about that letter, sir?

A. Yes.

Q. When did it find out?

A. I believe that very day, because we had been in contact with Mr. Landrith on this matter for probably two or three weeks as to whether anything would be filed.

Q. Did the Journal News cover that?

A. Yes.

Q. What effect, if any, did you observe it to have on the campaign?

[591] A. Well, again, it brought even into sharper focus the question of the conduct of the court and particularly this race for the court. Again, it overwhelmed all the other election issues and races at this time. It was one of those things that some people said would come and some said wouldn't, so it was a major news story when it happened.

Q. Billy Joe New was arrested shortly thereafter, is that correct?

A. Yes, I believe on the third of October, as I recall.

Q. What effect, if any, did you observe Billy Joe New's arrest to have on the campaign?

A. Again, even more intensity, more interest among the population on this particular race, because of the questions, not only what had happened, but again, questions that were raised by this sequence of events.

Q. What effect did this arrest have on the issues in the political race?

A. I think at this time the question again of the handling of DUI's, which seemed to be the major focus during most of the summer, subsided and it was again on the judge, how much was the judge supposed to know or did he know about the operations? Particularly about the things that at this time were charged against Billy New. It changed again, the focus from what the judge did on the bench to more of what [592] the judge was doing off the bench.

Q. Did Mr. Connaughton seek to take advantage of the problem with Billy Joe New in his political advertising?

A. To my recollection, he did. I think that's when his advertising changed again to emphasize the judge's conduct.

Q. Would you look at Defendant's Exhibit A in that book, sir?

Would you read that portion of Mr. Connaughton's political ad that bears upon the issue of Billy Joe New, in your opinion?

A. There are three paragraphs here. The second paragraph says, "A judge bears ultimate responsibility for the operation and administration of his court. Any failure to manage the court or its employees must be attributed to the judge."

Q. Sir, just for purposes of identification, this political ad, Exhibit A, Defendant's Exhibit A, was it published in the Journal News?

A. Yes, it was. I don't recall the date but I recognize it.

. . . .

[594] Mr. Blount, would you turn to Exhibit D in the booklet?

Would you tell the jury what the Defendant's Exhibit D is?

A. This is the copy of the original letter to the editor that was submitted by Mr. Connaughton to the Journal News.

Q. Was it published?

A. Yes, it was. I believe it was published on the twentieth of October and I note that it was typed on the nineteenth.

Q. What effect, if any, did you observe Mr. Connaughton's letter to have on the campaign?

A. Number one, it got wide readership. I can tell you that. Because it was discussed widely and, of course, again, depending on the reader, it got varied reaction. Among many, it raised some questions. It probably brought to the fore, the question of when did Mr. Connaughton know about Billy New and how did he obtain that information and also got into the matter of whether it was part of a dirty politics thing, whether it was going to be a late hit. Those were things that were being discussed at the time and, of course, the letter just caused that conversation to become even more widespread.

[595] Q. Mr. Deputy Clerk, would you now bring to the easel Exhibit E?

Mr. Blount, would you take Exhibit E in hand, please? Mr. Blount, what is Exhibit E?

A. This is a copy of the letter to the editor as it was published in the Journal News from Judge Dolan, which was replying to the Connaughton letter. It was published I believe on the twenty-sixth of October.

Q. What effect, if any, did this letter have, to your observation, on the campaign?

A. Again, it raised the question of who was guilty, if anyone, of dirty politics or late hits, the timing of charges, all of these things. Again, this became again the

focus at the end of the campaign, more so than any of the other issues, is when did Dan Connaughton know and also, did Judge Dolan know of anything, so on and so forth.

. . . .

[599] Q. Did the Journal News check public records?

A. To my knowledge, we did. We tried to check back to see if the chain of events were there and also her background, things of that type.

Q. What do you mean, her background?

A. She had told us—

Q. "She" is Alice Thompson?

A. Alice Thompson, that she had been in Municipal Court twice. And someone, I don't know who, someone checked that information.

Q. When you say, "had been in Municipal Court," what do you mean?

A. That she had been arrested and been before the court on two matters, one shoplifting and one an assault case.

Q. During the interview, did Alice Thompson [600] volunteer this information?

A. Yes.

Q. It checked out?

A. Yes.

Q. You mentioned that you checked with John Holcomb, the prosecutor. What did you ask of John Holcomb?

A. Specifically, I asked him about her credibility, whether he had any reason to suspect her credibility. As I recall, his comment to me was that she—again, I'm putting this in the context of twenty-five persons who had been subpoenaed for the Grand Jury in the Billy Joe New case—his words something to the effect that she's probably the most credible of the lot or something to that effect. He also said that at the time that her statements as far as the police were concerned had been checked out.

. . . .

[605] Q. Mr. Blount, did you listen to the tapes that Mr. Connaughton offered to you after that meeting?

A. No.

Q. Why?

A. Because by that time, we had had information what the tapes were about. We had the same story basically from at least two of the parties, Alice Thompson and Dan Connaughton, and the police officers and others and the [606] tapes, those topics that we were exploring were not on the tape, I had been told by several parties.

Q. Physically, describe where those tapes were turned over to you, the scene, when they were turned over to you.

A. They weren't turned over to me. It was outside of Bob Walker's office. It was after this interview.

Q. It's not on the tapes, is it, sir?

A. No, it's not. They were turned over I think to someone else.

Q. Were you present?

A. Yes.

Q. Did Mr. Connaughton say anything when he handed the tapes over?

A. There was some discussion between Mr. Connaughton and Mr. Berry as to whether the tapes should be turned over and Mr. Connaughton said that he had promised they would be turned over and I think that's basically the thrust of the conversation.

Q. Did he say anything else about the information on the tapes?

A. About the information on the tapes? Just what he had told us before, that it was basically about Billy New, not about the other things. Also, that's when I think the time when he offered to have someone contact us, basically, [607] Patty Stephens, help us get in touch and have her contact us.

Q. Patty Stephens. As the weekend between Alice's interview and Mr. Connaughton's interview on the thirty-

first unfolded, were you aware of any intention on the part of the Journal News to interview Patty Stephens?

A. Over the weekend?

Q. Yes, sir.

A. Not over the weekend no.

Q. Was there any intention at any time for the Journal News to interview Patty Stephens?

A. She was on the list. It was my understanding at the time that we were trying to get in touch with her.

Q. Now, you testified in response to some questions from Mr. Lloyd at the beginning of the trial concerning the issue of whether Pam Long actually did contact Patty Stephens. I believe it had something to do with a telephone conversation. Would you tell the jury your recollection of that event?

A. After Mr. Connaughton and Mr. Berry had left the Journal News, I had walked back down to the first floor to my office for a minute and then walked back up and was standing beside Pam Long's desk. She was on the phone. I either asked or someone volunteered that—I asked who she was talking to or when she would be available.

[608] Q. Did you ask Pam Long that?

A. No.

Q. Someone else?

A. Someone, there were several other people in the newsroom at that time. I was told by someone that she was talking to Patty Stephens.

Q. But you didn't overhear the conversation, did you?

A. No. I overheard her talking on the phone, but I didn't overhear her talking to Patty.

Q. Did you later find out that your impression was in error?

A. Yes.

Q. It came about really several days later when I was trying to, just in the normal course of things—I'm not exactly sure how it came up exactly, but it was probably

at least a week that later that I realized that that was not the time—at that time she was not talking to her.

* * *

[612] Q. Mr. Blount, I'm sorry. We have been over that. I don't want to go over that again. I'm saying just from Mr. Connaughton's interview on the editing process.

A. From the afternoon of the thirty-first?

Q. Yes.

A. Again, a draft was prepared by Pam Long which was available early in the morning of Tuesday, the first. I'm not sure of the time. But even the night before I had talked to Mr. Irwin, our attorney, told him that we would have a story and have it to be reviewed in the morning. Mr. Irwin had been contacted previously. In fact, we had been talking on various election matters for several weeks. He was advised that we would probably have a story.

Mrs. Long called me after she had interviewed the Barnes and I called Mr. Irwin. So the first thing in the morning was for a review of information she had and the information from the other reporters, some of which I had already heard on the afternoon of the thirty-first. We basically reviewed the information we had, some of the notes and statements were taken from the other reporters, summarizing their interviews and then that draft was reviewed [613] in the terminal or word processor. I guess would be the best way to describe it.

Q. Would you, just for a second, just tell the jury what you mean by that, so they understand how an article goes into the newspaper?

A. As with most operations in recent years, there's less and less paper and more of it committed to computer. In our case, it's a computer which functions as a word processor, and then when the story is finally edited, to position through a command it goes from a word processor to a typesetter. So stories are usually edited and

added to and reworked and so forth in the word processor, within the terminal. Several people can look at the same story at the same time. I know this statement was checked; I checked it, Bob Walker checked it.

There was some discussion about it, over a period of maybe an hour or so. Then Mr. Irwin was called over to review what we had at that point. That's when we also met with Mr. Cocozzo, the publisher, so that the four of us could talk about it. That four would have been, besides myself, would be Mr. Walker, Mr. Irwin, Mr. Cocozzo.

Q. When it came time to make a decision, as to whether to publish this article, did you recommend that it be published?

A. Yes.

[614] Q. Would you tell the jury why?

A. Basically, it was a newsworthy story. It answered a lot of questions that had been prevalent in the community. As I said before, among those, how Dan learned, when he learned, who some of the people were. Some of the other circumstances behind his filing charges. It addressed in some way the charge that had been made against him that this was a late hit, late charge that he was holding back information. So it answered a lot of those questions that had become very paramount in this campaign.

Q. Did you feel that the story as published was balanced, and would you first explain what balanced means from a journalist's particular standpoint?

A. Balance means, and this is of course one of the things we set out to do, was to give all the parties that we could possibly include a chance to react and respond to what was being said here. Of course, I think very high in the story is the Mr. Connaughton's denial and denial of others. So I considered it not only balanced, but I think we approached it with that in mind. Let's lay it out. Let's put it out here for the reader to see and basically, I went from there.

Q. Did the legal review given by Mr. James Irwin have any impact upon your recommendation that it be published?

[615] A. I had reached my conclusion before and, of course, the way we usually proceed, we read such a story independently so that when we get together, we are not basing our decision one on another. So I had reached a decision on newsworthiness, what we had, before the conference with Mr. Irwin.

Q. Sir, did Mr. Connaughton hold a press conference after the publication of this article, to your knowledge?

A. Yes.

Q. Was that on November third?

A. Yes, Thursday, November third.

Q. Did the Journal News send the representative?

A. Yes, I believe the reporter who wrote the story was Jeanne Houck and I think someone else went with her. At this point I'm not sure if it was Mrs. Long or someone else.

Q. Did the Journal News cover it?

A. We ran a story the next day, Friday, fourth of November.

* * *

[619] Q. Turning back to where we broke for lunch, Mr. Blount, I had asked you whether or not the Journal News had covered the press conference that Mr. Connaughton had held on November 3, 1983 and you said you believe you didn't, and I was going to have you take in hand Defendant's Exhibit F. Would you identify that, please?

Q. Excuse me. Defendant's Exhibit F?

A. Story that ran Friday, November 4?

Q. What is it? I want you to identify it?

A. It's a story that was written by Jeanne Houck, one of our reporters. It was written based on Mr. Connaughton's comments at his press conference called at his home on, would have been Thursday, November third. This was the story that appeared. There was also a photograph of Mr. Connaughton taken at that time, too.

Q. Who was that covered by?

A. Jeanne Houck was the reporter. There was another reporter. I'm not sure. I think it was Mrs. Long. I'm not sure if it was. Also, if I may look here, the photograph was by Jim Denny, the photographer at the scene.

MR. CREIGHTON: Your Honor, may I turn it towards the witness to make sure that that is—I want him to identify that being the one he's describing.

THE COURT: Feel free.

Q. I'm turning this toward you for a second. Is [620] that Exhibit F?

A. Yes, that's the form in which it was published.

Q. By looking at this blown-up exhibit of Exhibit F that's in the exhibit book, does that tell you where in the newspaper this article appeared?

A. Yes, I believe there's, again, I believe there is a B over to the right.

Q. Let me turn it again.

A. Yes, the B on the right indicates that that's—plus the index indicates that that's the first page of the second section of the paper, basically, where we display the more current, more relevant local news of that day.

Q. In terms of the word "play," the Journal, I guess the particular word "play," is that a particular place in the newspaper where it has good play?

A. Yes, very much so.

Q. Would you turn to Defendant's Exhibit G? Mr. Deputy Clerk, if you would like to remove that, please. Would you identify Defendant's Exhibit G for the jury, please?

A. Yes, it's a story also published on Friday, November fourth, on page one. It is the report of the Grand Jury findings in the Billy Joe New case. It was written by Pam Long.

Q. Where was that story placed?

[621] A. My recollection, top of the page, across the top of the page, page one.

Q. Sir, I'm going to hold up what I believe to be the, in your opinion, the edition in which that was published so that the jury can see and ask you, is this to your recollection, a copy of the actual newspaper that was published?

A. Yes.

Q. Is that the article that is described or that is Exhibit G, a copy of it?

A. Yes, it is.

Q. In terms of play, sir, is this the number one position in a newspaper for an article to play, that is, the prime position?

A. That is the prime position, above the fold, top of the page.

Q. Similarly, Mr. Blount, from the same date, is this the way that the Exhibit F played in the newspaper?

A. Yes.

[625] Q. Let me interrupt you. So the record is clear, that is the story, Exhibit G, sir?

A. Correct.

Q. Headline, "Grand Jury Indicts Billy New"?

A. Yes.

Q. Would you point out for the jury that portion of the article that concerns the information that you were just addressing?

A. In the second column as it appears in the booklet here, there is a paragraph that says, "Holcomb also issued a statement when the Grand Jury returned its indictments."

Q. Who is Holcomb?

A. Holcomb is the Butler County prosecutor.

Q. Go ahead.

A. This is a quote from that statement, "Other than what is included in the Grand Jury report, it is only fair to point out that, in the opinion of the prosecuting attorney, [626] the evidence before the Grand Jury failed to implicate anyone in the Hamilton Municipal Court in any illegality, including Judge James Dolan,

nor did the evidence indicate any illegality of Hamilton Municipal Court Judge Candidate Daniel Connaughton in the possible inducement of a candidate to give testimony, Holcomb's statement said in part."

* * * *

[639] Q. I'm not going to argue with you about who said what, but I do want to ask you this. When you wrote this article, was it your notion or point of view that it was perfectly proper to print what Miss Thompson said about Mr. Connaughton, so long as you included in the article denials from him and other people?

A. I don't think that's exactly—

MR. CREIGHTON: Objection.

THE COURT: Overruled.

A. I don't think that's exactly the way I described it. As I said before, we did some checking on Miss Thompson, because we did not know her. We tried to verify through several sources whether we had what we could call a credible [640] person on these points.

Q. You talked to Mr. Holcomb. You didn't ask him whether he believed Mr. Connaughton or Miss Thompson about something on which they disagreed, did you?

A. No, because we hadn't talked to Mr. Connaughton at that time.

Q. Do you remember Mr. Connaughton telling you that he had information that Miss Thompson had been in Hughes?

A. Yes.

Q. Do you know what Hughes is?

A. Well, I think when he was challenged on that that he said he had not verified it. I believe that was on the tape this morning. He mentioned it early in the interview and I think we came back to that question and I don't think we got a definitive answer on that.

Q. Did you ever check?

A. No, because psychiatric and medical records are not public record.

Q. Would you be concerned with the credibility [of] somebody that you were told had had a history of psychiatric illness?

A. We would certainly listen to that information.

* * * * *

[TESTIMONY OF PAMELA LONG]

* * * * *

[123] Q. And the plan was that various reporters for the Journal News would interview the various people who were present at Connaughton's house on the night of September 17th, isn't that right?

A. That was one of three meetings and two phone calls that Alice had told us about that we were trying to verify.

Q. But my question was, the people that were at that meeting that were to be interviewed simultaneously, is that right?

A. No, because we knew that we wouldn't be able to talk to the Barnes until later that evening on the 31st.

Q. Well, with the exception, but—

THE COURT: Mr. Lloyd, please let the witness finish her statement. Finish your answer.

A. I think I am finished now.

THE COURT: Proceed to your next question.

Q. Now, but the one person who was present at that meeting who was not on the list to be interviewed was Patsy Stephens, is that right?

A. Yes.

Q. Now, would I be correct that no one from the Journal News made any attempt to contact Patsy Stephens prior to the publication of the article on November the 1st, 1983?

[124] A. Of my knowledge, I know of no one. But if I could explain.

Q. Let's just—

THE COURT: You may explain it.

A. Thank you, Judge.

Q. She said no. Okay, that's okay. Say what you want.

A. When we finished our interview with Dan and also after we talked to Alice, we had been told that Patsy was going to be rather difficult to get in touch with. Dan had volunteered to help get Patty in touch with us and so based on that representation we assumed that Patty would get in touch with us and there have been times in the past when other people have said to us on other stories that I have worked on that I'll have somebody get in touch with you and they do.

Q. Well, she didn't get in touch with you and you didn't try to get in touch with her, right?

A. No, I did not try to get in touch with her.

Q. So you heard Mr. Blount testify that he was present at your desk on the 31st when you tried to get in touch with her. He is in error about that, is that right?

A. I did not talk to her on the 31st.

Q. And did you think that it was important to talk to her before the story was published?

A. After we had already been given the information [125] from Dan that he verified the meetings and also verified the phone calls and also that the words "jobs" and "trips" had been used, Patsy Stephens did not become as important because we had gotten from the principal source, Dan, and also his wife, Martha Connaughton.

Q. Both Dan and Martha deny that any offers or promises of jobs or trips were made, didn't they?

A. They denied any specifics. But then Mr. Connaughton came back during our interview with him and said, "Well, I understand those words had come up and I can understand how they would say that." And he gave us the impression that the words were never to say it—he never said the words were not spoken. The words were spoken, but he claims they misunderstood and we wrote that in the article. We wrote his denial and also the fact that the words were that they misunderstood.

Q. May I have the question read back? I've forgotten my question.

THE COURT: Read the question, please.

(Whereupon, the pending question was read by the court reporter.)

A. My answer is no, with that qualification, yes.

* * *

[127] A. When I wrote the article, I believed that it was true.

Q. Do you believe it now?

A. Yes, sir.

Q. Would you please hand this witness a copy of her deposition? Do you have it?

A. I have one, thank you.

Q. Would you turn to page 47, please. Now, you remember that the deposition was taken July 2nd, 1984, at our offices in Cincinnati?

A. Yes, sir.

Q. Do you remember you were present represented by counsel?

A. Yes, sir.

Q. And you were under oath?

A. Yes, sir.

Q. Would you look at the bottom of page 47, please?

A. Yes.

Q. Do you see the question—did I ask you this question, "You regarded her statements about Dan Connaughton offering trips and jobs as probably true, more likely true than false?" And then your lawyer said—I will not read all of it. "Again, for clarification, are we talking about the statements of Patsy Stephens, the facts she states or the claims she's making in regard to her interrogation of those facts?" And is [128] that right, you see that there as the top of page 48?

A. Yes.

Q. And I said, did I not, "Well, I want this witness to know that the only statements of Alice Thompson about which you were interrogating her are the state-

ments that Dan Connaughton made promises of jobs and trips." And I said, "The rest of it is not my ballgame. I'm not interrogating her about that, the aspects of Alice Thompson," and Mr. Irwin, who was your lawyer said, "Her claims." And then I say, "Her claims, did you regard those as more likely true than false?" Do you remember that question?

A. Yes.

Q. And then did you say, "I didn't make a decision on that"?

A. Yes, that's what it says here in the deposition.

Q. Right. In other words, you had not made any decision whether Alice Thompson's claims about Dan Connaughton's offering trips and jobs were true or false when you wrote the article?

A. I think you asked me if I believed her and I do believe her.

Q. Well, let's continue. Your answer, "I didn't make a decision on that." Then I asked you, "Do you make a determination as to your belief about the probable truth or falsity of statements when you prepare an article?" And your [129] answer was, "I verify the facts." Right?

A. Yes, sir.

Q. Then I asked you, "Well, at the time you prepared this article, you had not made an assessment that this is a probable truth or falsity of Alice Thompson's claims that Dan Connaughton offered her and her sister trips and jobs?" And then you said, "Wait, go through that again." Right?

A. Uh-huh.

Q. And I said, "Read it." And the reporter read the question. Then your answer was, "I had verified the facts." Then I said, "Just answer that yes or no." And you said, "But to answer yes or no isn't fair." And I said, "I have a right to get the answer. You can elaborate on it, but you have to answer it yes or no first."

Then Mr. Irwin said, "If you can." And you said, "I don't think I can." Right?

A. That's what it says here, yes.

Q. And what you meant was that you can't answer the question you had made an assessment of the probable truth or falsity of Alice Thompson's claims that Dan Connaughton offered her and her sister trips and jobs, isn't that what you said?

A. I said, when I did my deposition, that I verified the facts of what Dan had said. And I think verifying the facts is much different than, you know, saying I believed her. I verified what she had said and I found that the statements that she had made to us about meetings and about [130] phone calls were true based on her interviews with her and other people who were there. At the time that I wrote the article I know I believed that she felt that she was—that what she had said had been verified.

Q. Yet you believe that she believed, but that's not the same thing as saying you believed that Dan Connaughton said it, is it?

A. I'm sorry. I'm confused.

Q. Saying you believed she said it, she believed it, is not the same thing as saying you believe that Dan Connaughton said it, is it?

A. Mr. Lloyd, would you break that question down?

THE COURT: Mr. Lloyd, I think you made your point. Would you pass onto something else.

* * *

[555] Q. In other words, before you made that tape, you had a pretaping discussion with Alice Thompson, is that right?

A. We had about five minutes at the most. Just "Hello, I'm Pam Long, this is Jim Blount, this is Mr. Cocozzo", and that's all.

* * *

[572] THE COURT: Any questions from the jury? There's a question.

Miss Long, would you know who wrote the headline for that article?

THE WITNESS: No, I don't.

THE COURT: Who usually writes the headlines?

THE WITNESS: The editors.

THE COURT: Do reporters not write the headlines?

THE WITNESS: Right, reporters don't write headlines.

* * *

[775] Q. Miss Long, when last you were on the stand, I neglected to ask you a couple of questions. Let me direct your attention, please, to your preparation of the article that's the subject of this lawsuit, and your efforts to [776] verify some of the statements by Alice Thompson.

Were you ever able, prior to the publication of the article, to talk to Patsy Stephens?

A. No, I was not. As I said.

Q. If you would just explain to the jury, as briefly as you can, what your efforts were to contact her and why you were unable to contact her before the article.

A. We had been told by Dan Connaughton that he was going to get Patsy Stephens in touch with us and we relied on his saying that, that she would come to us, and so we were waiting for her to come to us at any time, until the article went to print.

Q. There was, I believe, some testimony regarding a meeting that had been set up with Patsy Stephens that you cancelled. Can you tell the jury about that meeting? When it was?

A. This was to be after the publication of the article. We were still open to having Patsy Stephens come in and talk to us. To continue with the story, a story is not ever completed, you know, there's always follow-up stories to it. We were open to that. On Thursday, November third, Patsy Stephens—I had been told through

my editors that Patty Stephens was going to come up sometime between eleven and one and talk to us. So I cleared my schedule so that I would be able to do that. I waited then through the rest of [777] the afternoon, because I thought perhaps she's just late or couldn't make it or whatever.

About ten 'til three in the afternoon on November third, I got a phone call from Patsy Stephens saying that, you know, "Hi, I'm Patsy. I want to talk to you." I told her, "Patsy, this appointment was supposed to be from eleven to one. My daughter's school just called and said that she was sick with pink eye," which is conjunctivitis, and highly contagious in a school setting. She's six years old, in first grade, so I said, you know, "Patty, I can't talk to you right now. It's ten 'til three, I have to go pick up my daughter at school."

She also said she had children and had to do after-school things with her children. I offered to interview her that night and Patsy said no, she didn't want to give me her phone number. I said, "Well, you know, we could meet." She didn't want to do that. She didn't want to meet face-to-face. She wanted to talk over the phone. I thought that was kind of unusual because the other interviews had been face-to-face and they had been taped.

Patsy then said, you know, she would call me the next day. Sometime. Then I said okay, fine. So I waited all next day and in that time, I listened to the tapes, because the Grand Jury had met that morning.

* * * *

[TESTIMONY OF PATSY STEPHENS]

* * * *

[153] Q. How long did it all last, if you recall?

A. Gee, I guess we were there for about five hours.

Q. Now at any time during that whole discussion, did Mr. Connaughton make any promises of any kind—just wait until I finish the question would you please—make any promises of any kind either to you or to your sister,

Alice? Specifically, did he promise either one of you to take you on a trip to Florida?

A. No, sir.

Q. Did he promise to give either one of you a job?

A. No, sir.

Q. Did he promise to operate a restaurant where you or Alice could work?

A. No, sir.

Q. Did he promise to set up a restaurant which your mother and father could operate?

A. No, sir.

Q. Did Mrs. Connaughton make any promises of any kind to either one of you?

A. No. Me and Mrs. Connaughton and Alice, we discussed my having a small restaurant and she said that that's something she's always thought about doing, is opening up her a small ice cream parlor of some kind and she said, "Maybe you girls could give me a few tips to how to take and get a [154] business going, as far as what to serve and etc., etc." But as far as a promise of a job, no.

Q. Now, I'll ask you again, if at any time during that entire discussion that either Mr. or Mrs. Connaughton promised or offered you or your sister anything?

A. No, sir.

* * * *

[178] Q. You told the same story to the Grand Jury though, didn't you?

A. Yes, I did.

MR. LLOYD: Objection as to what she said to the Grand Jury. I think that's protected.

THE COURT: Overruled. Question and answer may stand.

Q. Yet, it's true, isn't it, that the Grand Jury completely cleared Judge Dolan?

A. It looks that way, don't it?

Q. The prosecutor issued a public statement clearing Judge Dolan of any wrongdoing, did he not?

A. Did he what?

Q. He issued a public statement clearing Judge Dolan of any wrong, didn't he?

A. I guess he did.

* * *

[183] Q. Did Mr. Connaughton appear disappointed to you the day Mr. New resigned?

A. Not really disappointed, not at all. I guess he felt. I can't say how he felt.

Q. Did he appear to you to be upset?

A. He was upset on the perspective that, you know, here is something that we are trying to get proof on, or rather, we have proof, and before you can take and go to this person to find out if it's the truth or not, this person resigns. It makes you wonder, who is corrupt and who isn't.

* * *

[702] Q. Let me try my question again, Mr. Connaughton. In fact, no one associated with the defendant in any way has offered you one cent to settle this case, is that correct?

A. That's correct.

MR. IRWIN: Your Honor, may we approach?

THE COURT: You may.

At Side Bar:

MR. IRWIN: At this time, Your Honor, the defendant would ask for a short recess to allow a brief in chambers discussion with the court.

THE COURT: Come ahead. No problem.

Before the Jury:

THE COURT: Ladies and gentlemen, a matter has arisen that must be considered in your absence. Accordingly, we will take a brief recess. I suspect of the order of ten minutes.

(Jury excused at 9:15 a.m.)

In Chambers:

MR. IRWIN: Your Honor, we were faced with some very difficult choices last night when we were [703] approached by Miss Stephens and she came forward and Mr. Creighton and I did not meet with her because we did not want to make ourselves witnesses in the case. Mr. Jim Irwin, who as acted as the general counsel for the Journal News for years and he was trial counsel, until Mr. Lloyd had asked that he be disqualified, did meet with her along with the publisher of the Journal News, Mr. Joseph Cocozzo, which the information which I've laid a foundation for in my questions to Mr. Connaughton was elicited from Miss Stephens and we are prepared to call her now—

THE COURT: Go ahead.

MR. IRWIN: —to impeach Mr. Connaughton. We thought, after discussing this among ourselves, and it was the wish of our client that we give some forewarning to exactly what we were going to be doing in open court in the event Mr. Connaughton wanted to in any way reconsider going forward with the case. We didn't know how to approach the subject. We thought this would be perhaps the only way to do it, under our obligations to our client and to the Court.

THE COURT: I see no problem here.

MR. LLOYD: We don't know any more about this than we just heard, you know. I suppose we should have a second to discuss it with Mr. Connaughton.

THE COURT: Feel free. Your client, as an experienced lawyer, knows that these questions didn't come [704] out of the blue, that there's got to be a reason for those questions and it's his move, that's all. If you want some time to talk to him, feel free.

MR. LLOYD: Well, just a minute. I just want to advise him of what we have heard.

THE COURT: I have no problem with it. We'll wait 'til 9:30 and go back in then or whenever you tell me you are ready to go.

MR. LLOYD: We would like to have an opportunity to visit with Miss Stephens.

THE COURT: No, I'm not going to—you will have an opportunity to cross-examine her, but I'm going to let them present her at this time, as soon as we get back in here and her testimony is whatever it is.

MR. LLOYD: That's all right. They haven't got her in protective custody. She isn't anybody's witness. I would like to have an opportunity to just chat with her before she takes the stand.

THE COURT: I don't think so. I think under these circumstances, Mr. Irwin could have excused your client and immediately called her and he would have been within his rights to do so.

I don't know where we are going on this, but I think they are entitled to present their next witness without any previous consultation. Let's simply adjourn and you tell [705] me when you are ready to go back in.

(Conference concluded.)

Before the Jury:

THE COURT: Mr. Irwin, you may proceed. Do you have further questions of the witness?

MR. IRWIN: No, Your Honor, we do not.

THE COURT: Mr. Lloyd, do you wish to conduct any interrogation at this time?

MR. LLOYD: No, I do not, Your Honor.

THE COURT: You may call your next witness.

MR. IRWIN: At this time the defendant calls Patsy Stephens to the stand.

(Witness previously sworn.)

DIRECT EXAMINATION

By Mr. Irwin:

Q. For the record, would you please state your name?

A. Patsy Stephens.

Q. You are going to have to speak into the microphone.

A. Patsy Stephens.

Q. Thank you. I would like to ask you some questions about the days before and the day of your testimony in this case last week. Do you recall that that was last Tuesday?

A. Yes, I do.

[706] Q. Do you recall meeting with Mr. Connaughton and his attorneys the night before you testified?

A. Yes, I do.

Q. Do you recall going to a restaurant that night with Mr. Connaughton and his wife?

A. Yes, I do.

Q. Do you recall being driven down here on Tuesday to testify by Mr. Connaughton?

A. Yes, I do.

Q. Can you tell me what was discussed in your drive down here on Tuesday morning, between you and Mr. Connaughton? Please tell me what you said and what Mr. Connaughton said.

A. I asked Mr. Connaughton if he intended on moving when this was all over with and he said he was thinking seriously about moving. I said, I continued saying, I said, "But Dan," I said, "I've been told by several people that I should have asked for ten percent of whatever you got," and I said—he says, "Well, I know you are not like that." I said, "No, I have to live with myself." He said that he intended on taking care of all his friends that stood by him through this. Making it worth their while. In other words, my aggravation and everything through this.

Q. Those were his words?

A. Uh-huh.

[707] Q. In the month or so preceding this trial did you have any conversations with Mr. Connaughton regarding any offers of settlement by the defendant in this case?

A. Yes, I talked to Dan and he said that the Journal News had offered him a lump sum of money and no apology and he wanted to see this thing through because he felt like they owed him an apology.

Q. Do you recall what that sum of money was?

A. Something like three million dollars.

MR. IRWIN: Your Honor, I have no further questions of this witness at this time. We reserve the right to recall her if need be in our case.

THE COURT: You may. Mr. Lloyd, do you wish to interrogate?

CROSS-EXAMINATION

By Mr. Lloyd:

Q. Miss Stephens, do you remember calling, placing a call to me at my office last Wednesday?

A. Yes, I do.

Q. You had testified last Tuesday, that is right?

A. Yes, I did.

Q. Then after you testified, there was an article in the Hamilton Journal News which there was some headline or something that Stephens said sister lied?

A. Uh-huh.

[708] Q. Is that right?

A. Yes, it is.

Q. You called me late in the afternoon of last Wednesday, did you not?

A. I sure did.

Q. You talked to me and I put Miss Lux on the phone and you also talked to her, isn't that right?

A. Yes, I did.

Q. Did you not say at that time that, excuse me, a minute, Your Honor—

THE COURT: Take your time.

Q. Did you not tell us that your sister, Alice and your mother told you that they were going down to the Journal News and meet with the people down there and their attorneys and tell them a lie, that Mr. Connaughton and

I entered into a written agreement to give you ten percent of what was recovered in this case?

A. When I called—

THE COURT: Wait, wait, an objection. If you will forgive me for just a moment, let me sort this out. You've got hearsay on hearsay, Mr. Lloyd.

MR. LLOYD: It's impeachment. It's what she told me.

THE COURT: May I see counsel, please?
At Side Bar:

[709] (Question read back.)

MR. LLOYD: That's what I heard.

THE COURT: I think you've got to do this differently. I think that question is improper. I think that is asking for second degree hearsay.

I think you may ask this witness what she told you regarding her mother and sister and I'll let her testify as to that. But I don't think you can have this question answered in this fashion and I will allow you or Miss Lux or both to testify in this matter if this does become pertinent.

MR. LLOYD: I'm going to have to have Miss Lux testify because I represent to the Court that when I realized what it was, and I had other things to do, I said, "Here, talk to Sally. She knows more about it than I do."

THE COURT: We have enough difficulty in this case. I'm not going to hang up on the question of whether counsel may testify. I'm going to permit it. I will sustain the objection as to form of this question.

Before the Jury:

THE COURT: Members of the jury, I'm sustaining the objection as to form and I direct you to disregard that question.

By Mr. Lloyd:

Q. Do you remember what you told me?

A. Yes, I do.

[710] Q. What did you tell me?

A. I called you and I told you, I said, "Mr. Lloyd," I said, "Alice and Mom has gone to meet with the Journal News' attorneys right now." My sister told me that they were going up to take and say that I stated that I had a legal document drawn up and notarized between Dan, yourself and I; I asked for ten percent. If I didn't get ten percent, that I was going to take and come in and go along with Alice's story.

MR. LLOYD: May I have a minute?

THE COURT: Take your time.

Q. Well, what Alice was going to say was a lie, wasn't it?

A. I took and—it was on a Friday—I had been trying to get along with Alice and that and I told Alice, I said, "Alice," I said, "I really don't want to go through with this thing on your behalf. I think we have been through enough," and I really felt like me and Alice has been through enough. I said, "I'll tell you what I'll do." I said, "Everybody has been after me." I said, "Through-out this whole thing that I should take and ask for ten percent if there's going to be any money involved, for my embarrassment and for your embarrassment." I did tell Alice that.

THE COURT: I don't think that's responsive. Read the last question, please.

[711] (Question read back.)

A. No.

Q. Well, you and I and Dan Connaughton never entered into any agreement to give you any part of any money?

A. I didn't discuss it, no. Nothing was discussed. I told Alice—

MR. LLOYD: Excuse me.

THE COURT: First, the court reporter can't take two of you and I'm not sure either the jury or I can understand. Present your next question.

Q. Well, my question, I'm going to have to repeat that question. You and I and Dan Connaughton didn't enter into any agreement to pay you anything, did we?

A. No, sir.

Q. It was never discussed, was it?

A. No, sir. I made the statement to Alice and my mother and myself that that's what I was going to do in order to try and—I don't like having this between me and my sister. I really don't. This was not intended to be like this.

Q. Patty, as I understand this, you came into court last week—

THE COURT: Mr. Lloyd, ask a question. You may not testify. Ask a question.

MR. LLOYD: This is cross-examination.

[712] THE COURT: I understand, but this was your witness originally.

MR. LLOYD: It isn't now.

THE COURT: All I'm saying to you now is you may not testify. Ask a question, if you have a question.

Q. Did you tell the truth when you testified last week?

A. I still feel like—

Q. Just answer that question.

A. Yes.

Q. All right. Now, I take it you are very uncomfortable because you are pitted against your sister in this lawsuit, right?

THE COURT: Objection sustained. Jury is instructed to disregard the form of that question.

MR. LLOYD: It's very important, Your Honor. I must consult.

THE COURT: I can't help it. I'm not going to let you ask a leading question to this witness at this time.

MR. LLOYD: Your Honor, this is the most gut-wrenching impeachment.

THE COURT: May I see counsel, please?
At Side Bar:

THE COURT: I have no problem with impeachment. I have a great problem with you testifying. [713] Read that last question.

(Question read back.)

THE COURT: That's a classically leading question. If you want to ask her how she feels, you may. You may impeach her, but you can't testify.

MR. LLOYD: I believe Rule 611 permits you to impeach a hostile witness with leading questions.

THE COURT: I don't disagree. But I also object to the fact that you are testifying. You ask her a question of how she feels about this.

Before the Jury:

By Mr. Lloyd:

Q. Did Dan Connaughton ever promise you anything for testifying in this case?

A. I didn't take it as a promise, and I don't feel like I was promised anything during the tapes, were never being made or anything like this. I was asked to tell the truth and this is what I'm doing. I didn't take it as a promise, no.

Q. When we met the first time—strike that. Let me start over.

First time you and I met was about a month ago in Dan Connaughton's office, was it not?

A. Yes.

Q. At that time you told me that you had just had [714] been called on by attorneys for the Journal News, is that right?

A. Yes, sir.

Q. And you told me what they said to you, did you not?

A. Yes, sir.

Q. Didn't I ask you questions about a lot of aspects of what had gone on in this matter?

A. Yes, sir.

Q. And I said, "Patty, I want you to just tell the truth," did I not?

A. Yes, sir.

Q. Isn't that what you've done?

A. Yes, I have.

Q. At any time has Dan Connaughton ever promised to give you anything in exchange for your cooperation in this lawsuit?

A. I don't think by telling me that when this is all over with, that—I don't think by saying that he's going to take and give me something out of his heart is a bribe and I don't take it as a bribe or a promise. You can look at things a million different ways. It's how a person feels within.

Q. Did he simply say he appreciated your cooperation?

[715] A. He said he appreciated the honesty in me.

Q. Sure. You were honest when you testified, weren't you?

A. Yes, I was.

Q. And you are honest now?

A. I'm honest now.

Q. Okay, what was your meeting about last night with Mr. Irwin, what was that about?

A. What it was about, I knew that Alice and my mother was coming to court today and I knew what it was going to be mostly about, so I wanted them to know that as far as anything being said all along, it's been looked like everybody thinks that I'm being bought or being promised, and I don't feel like I'm really being bought or promised. If someone says, you know, "I think you've been through a lot. If I get anything, I would like to help you and your family," that's one thing, but if they say, "You have to do this or if you do this, I'm going to do this, I'm going to do that," that's a bribe, that's a promise.

Q. You haven't been bought by anybody?

A. Please?

Q. You haven't been bought by anybody, have you?

A. No, I can't be bought.

Q. Who initiated this conversation last night you had with Mr. Irwin?

[716] A. I did.

Q. Why did you do it; that's what I'm trying to find out.

A. The reason I done it is because I knew when my mother and Alice would come down here today, I didn't want it looking like they were totally lying about the incident as far as any ten percent being brought up or anything. This was my own doing.

Q. In other words, as I understand it now, they told you they were going to come down and testify to something about ten percent.

MR. IRWIN: Objection.

THE COURT: Objection sustained.

Q. What was it they said to you?

MR. IRWIN: Same objection.

THE COURT: I'll allow that. I'll overrule that objection.

Q. What was it they said to you, that caused you to go see Mr. Irwin? That's what I'm trying to get at.

A. I was talking to my other sister and I said "What all do Mom and Alice have to say to the lawyers," like that. Is it about the fact that I told Mom and Alice that I told Alice that I would not take and put her through no more than what she had been through and I didn't want this between her and I. That's when I found out that my mother and Alice were [717] going to be here today. Me or Alice, neither one can be bought by nobody. I don't like the public eye looking at it like this.

When we started it, we didn't start it with no bad intentions or anything like this. I done it hoping there would be corruption stopped in the municipal courts and that's the only reason I done it. To myself, I feel like this thing has been turned completely around in the political, and the whole thing—

THE COURT: I think you are getting off the point. Present your next question, please.

Q. I don't want to lead the witness, but I guess what you are really saying is you're here—

THE COURT: Mr. Lloyd, I'm objecting to your using those words. If you have a question, you present a question.

Q. When you went to see Mr. Irwin, was it your purpose to make peace in the family?

A. Yes.

Q. To make it all seem like you are all saying the same thing?

A. No, not at all. I have a right to feel the way I do, just like anyone else has a right to feel the way they do. I called Alice and I said, "Alice, this is ridiculous."

THE COURT: You've answered the question. Do [718] you have another question?

MR. LLOYD: I think nothing now.

THE COURT: Anything further, Mr. Irwin?

MR. IRWIN: Yes, your Honor.

REDIRECT EXAMINATION

By Mr. Irwin:

Q. Miss Stephens, some of the things that you said in response to Mr. Lloyd's questions prompt me to ask on a few of those topics. Your sister, Alice, has she maintained throughout this whole thing the same belief regarding the statements that were made during the September meeting in the Connaughton's home?

MR. LLOYD: Objection.

THE COURT: Overruled.

MR. LLOYD: Your Honor, I must approach.

At Side Bar:

THE COURT: May I make an observation that you gentlemen are proceeding to make a shambles out of this. I'm not being critical. Maybe it's inherent. But this witness at this particular point is almost incoherent.

Now, Mr. Lloyd, you raised this question. You asked about peace in the family. You've opened that door. I think that the both of you are going to regret if you persist in interrogating this witness. If you want my opinion, I'm sure you don't, she'll say anything you want her to say. I think this lady [719] has some mental problems, but I don't care. All I'm going to try to do is keep this reasonably within the bounds of the evidence.

MR. LLOYD: The basis of my objection he asked her what somebody else believed.

THE COURT: Mr. Lloyd, this door has been opened, because you opened it. You asked about what her reasons for doing this were, and I must confess, I don't quite understand them even yet, but I'm going to allow this question to be asked.

Before the Jury:

THE COURT: - Overruled. Read the last question.

(Question read back.)

A. Yes.

By Mr. Irwin:

Q. You know your sister, don't you?

A. Yes, I do.

Q. Do you believe that she would come into this courtroom and lie on the witness stand?

A. No. She's a strong individual, I feel like, but I take her as a strong individual. When Alice believes in something, she believes in it strongly.

Q. Your mother's name is Zella McQueen. Correct?

A. Yes.

[720] Q. Do you think she would come into this courtroom and lie on the witness stand?

A. I don't want to think of neither one of my family members being liars. I believe she would tell the truth.

Q. Some of your responses to Mr. Lloyd's questions make me want to seek clarification on two points.

MR. LLOYD: Object to that statement by counsel.

THE COURT: May I see counsel, please?

At Side Bar:

THE COURT: Incidentally, Mr. Lloyd, the word "believe" was never in the last question you objected to. What's the objection to this?

MR. LLOYD: He's indicating he doesn't approve of my questions, and some of her responses cause him to ask more questions.

THE COURT: Read the last question.

(Question read back.)

THE COURT: There's nothing wrong with that. That's simply a preliminary statement. He's telling the witness he wants clarification. If he's lucky he might even get it. Let's go forward.

Before the Jury:

THE COURT: If you wish to be heard, it must be in the absence of the jury. Do you wish to make any [721] statement?

THE WITNESS: I just want to ask a question to you.

THE COURT: Ladies and gentlemen, I'm going to excuse you from the courtroom for just a moment.

(Jury excused.)

THE COURT: Miss Stephens, did you wish to make a statement?

THE WITNESS: As my constitutional rights, have I got a right to plead the Fifth Amendment on any question I think might—

THE COURT: If there is a matter that might tend to incriminate you, you have a right to refuse to answer on the basis of the Fifth Amendment.

THE WITNESS: I do have that right?

THE COURT: Of course.

THE WITNESS: Okay.

THE COURT: Return the jury, please.
Before the Jury:

THE COURT: I believe you had a question, Mr. Irwin, that had not been answered. Do you wish to present another question?

MR. IRWIN: Yes, I do, Your Honor.

THE COURT: You may proceed.

By Mr. Irwin:

[722] Q. Miss Stephens, Mr. Lloyd asked you if testimony you gave in this courtroom last Tuesday was the complete truth. Is that still your answer?

A. To the best of my knowledge, yes.

Q. Directing your attention to the meeting on September 17th in the Connaughton home, can you tell me if at that time there was discussion by Mr. Connaughton about playing the tapes, Judge Dolan resigning and your names never being used?

A. I take the Fifth.

MR. LLOYD: I will object.

THE COURT: Mr. Irwin, I think you are limited on redirect to matters brought out by Mr. Lloyd.

MR. IRWIN: Mr. Lloyd did open that door by asking her—

THE COURT: May I see counsel, please?

At Side Bar:

THE COURT: How do you respond out of the presence of the jury to the fact that this appears to be a brand new subject and not raised by him on his interrogation of this witness?

MR. IRWIN: My response is the same, that is, that Mr. Lloyd specifically made a point of getting this witness to confirm her earlier testimony, despite her having contacted the Journal News and it being an apparent, you [723] know, change of heart. He asked her if everything she said was true.

THE COURT: Mr. Lloyd, how do you respond?

MR. LLOYD: First of all, all that subject matter was covered the first time she testified.

THE COURT: No, no, I think Mr. Irwin is right. You did ask her, in effect, to reaffirm her previous statement.

MR. LLOYD: I asked her whether it was all true.

THE COURT: Good enough, he's testing that.

MR. LLOYD: Your Honor believes that the door is open to testify to anything she said on the stand?

THE COURT: I will take this on a question by question basis. If this has a basis, if this bears upon her veracity, which at this point is highly in question.

THE REPORTER: She answered she took the Fifth.

THE COURT: I didn't hear that.

MR. LLOYD: What did she do, take the Fifth?

MR. IRWIN: May I suggest we have the question read and let the witness give her answer?

THE COURT: You may ask any question you wish within the Rules of Evidence.

Before the Jury:

[724] THE COURT: Objection will be overruled.

MR. IRWIN: With the Court's permission, I would like to have the last question read back.

THE COURT: You mean the previous question, the one that was answered, or the one that you are now presenting?

MR. IRWIN: The last question. I don't know that—

THE COURT: May I ask then that you withdraw this question for the moment before this gets too confusing or do you wish an answer to the question you have just presented?

MR. IRWIN: Okay, Your Honor, I would like an answer to the question I presented.

THE COURT: Ms. Kuppin, read the last question.
(Question and answer read back.)

THE COURT: Present your next question, please.

Q. That is still your answer?

A. Yes.

* * * *

[TESTIMONY OF ROBERT WALKER]

* * *

[206] Q. So I'm understanding correctly, are you saying that these editors that report to you have responsibility and then you might have some kind of veto power?

A. Yeah, he could describe it that way as veto power.

Q. Are you responsible for making assignments to reporters for stories?

A. Yes, I have a city editor who actually makes assignments but I also do.

Q. Mr. Walker, I want to refer you to Joint Exhibit I which has been identified as the article at issue in this lawsuit. Were you responsible for making the assignments to the reporters investigating that story?

A. Yes, ma'am.

Q. When was it that you first became aware that there potentially was a story that ultimately resulted in this article?

A. Jim Blount come to me, I believe, on Wednesday, that date escapes me, Wednesday before this article ran, and told me we would have or we had the opportunity to interview Alice Thompson and I assigned Pam Long to do that.

Q. Did Mr. Blount at that time indicate to you what his understanding of Thompson's interview was going to encompass?

[207] A. Not at that time, no.

Q. To your knowledge, that interview did, in fact, occur the next day?

A. Yes.

Q. Did Pam Long or Jim Blount speak with you the next day, that is October 27, about what did in fact occur at that interview?

A. Yeah, I asked them—when the interview was complete and they came back, I asked them what did she say or what did we learn and they gave me a real kind of quick overview and Pam later prepared a transcript.

Q. Did she give you the transcript that evening?

A. I can't—I don't believe she did. I think I got it on Friday in advance of a meeting we had.

Q. Was it on Thursday evening when you met with Mr. Blount and Miss Long that you decided to call that Friday afternoon meeting?

A. I can't say for sure whether I decided that Thursday evening or Friday morning.

Q. But in any event, ultimately Miss Long gave you a transcript of the Thompson interview?

A. Yes.

Q. Was that a typewritten transcript or was it her handwritten notes?

A. It was typewritten.

[208] Q. I'm going to ask you to look at Plaintiff's Exhibit 12 to identify whether this is—these are the notes that were given you?

A. Yes, I think this is what we worked from.

Q. And Mr. Walker, did you read this transcript when Miss Long gave it to you?

A. Yes.

Q. And it was pretty much on the basis of the information in here that you decided to call the meeting and investigate the story further, is that correct?

A. Yes.

Q. My understanding is Friday afternoon you did in fact call a meeting where a number of reporters were and editors were present, is that correct?

A. Yes.

Q. Do you recall who was at that meeting?

A. Bill Siebert, the city editor was there; Mike Jones, the news editor; I believe Laurell Campbell and Sue Kiesewetter. Pam Long was there. That's all I can remember.

Q. Just the best you can recall right now. What was the purpose of this meeting?

A. Well, in reading the transcript of the initial interview with Alice Thompson, we obviously had to decide

whether we were going to do a story or whether there was even a story to be done and that was going to entail interviewing [209] numerous people because Alice had referred to several people as having been at one or more of these meetings that she was describing. The reason I brought that many people together was simply that, that we were going to have to interview a great deal of people and we needed to do it quickly. One person couldn't have possibly handled that whole thing.

Q. Were you finished?

A. Yes.

Q. Now my understanding is that at that meeting those present worked on a number of listed questions to be asked to the persons to be interviewed, is that correct?

A. Yes, Pam and I pretty much led that discussion. The other people in the meeting had no idea what was going on. They wouldn't know Alice Thompson at all and some of them may have known Connaughton's name because he was a candidate but we more or less tried to formulate in that meeting the type of questions we would ask to try to get at the heart of what happened here.

Q. And in fact, you formulated exact questions to be asked, is that correct?

A. Yes, in the end.

Q. And the game plan was that all of these various people that Alice Thompson had referred to would be contacted by different individuals and asked this pre-determined list of questions, is that correct?

[210] A. Right.

Q. I'm going to refer you to Plaintiff's Exhibit 6 and ask you if you can identify that?

A. Yeah, these are the questions that we formulated at that meeting. And at the bottom are the tentative assignments that we made that day.

Q. Did you make those assignments?

A. Yes, ma'am. I didn't make these specific assignments. These were the assignments that were made at that time and were later changed.

Q. I understand that but at this point in time you made these assignments, you wanted these specific reporters to interview these specific people?

A. Right.

Q. And it indicates that Laurell Campbell is going to interview Jim Berry; Jeannie Houck interview Martha Connaughton; Larry Fullerton interview Jeannette Barnes; Pam Long interviewed Dan Connaughton and Tom Grant interviewed Ernie Barnes, is that correct?

A. Yes.

Q. There are a number of other names on there, assignments for interviews. Mr. Holcomb, Mr. Cox, Mrs. Barry, Patsy Stephens and Jim Cooney. Were assignments ever made to interview those people?

A. We assigned someone to call Joe Cox and Linda [211] Berry and Jim Cooney. We did not assign anyone to call John Holcomb and we did not assign at that time anybody to talk to Patsy Stephens.

Q. Did you at any time assign anyone to talk to Patsy Stephens?

A. Pam Long would have had that assignment but that never happened.

Q. Just so I'm understanding what you're saying, I asked if you had assigned it and you said she would have but it never happened. You mean you never made the assignment or she never got in contact.

A. After we interviewed Dan Connaughton he was supposed to put Patsy in contact with us but that didn't come to fruition, but that would have been Pam Long's assignment?

Q. You're aware, Mr. Walker, aren't you, that Patsy Stephens was supposed to be at all the meetings that Alice Thompson referred to in her interview?

A. Yes.

Q. And you're likewise aware that the offers or promises, whatever was said to Alice, was supposedly likewise said to Patsy, is that correct?

A. That's as I understand it, yes.

Q. Didn't it occur to you that it would have been good practice to contact Patsy Stephens at the same time you were contacting these other people in order to see what their [212] story was?

A. We would like to have talked to Patsy Stephens. We had no way to reach her.

Q. Did anyone make any attempts to reach her on Friday?

A. Not on Friday, no, we didn't attempt to reach anybody on Friday.

Q. Did you attempt to reach anyone, attempt to reach her Saturday or Sunday?

A. No.

Q. Monday?

A. No.

Q. Mr. Walker, could you explain to us why it was if this information came to you on Thursday, you had the meeting with the reporters on Friday, can you tell me why it wasn't until Monday afternoon that you decided to interview all these people?

A. Our meeting on Friday was very late in the day, as it often is in the newspaper business, because we were working on that day's paper first. It occurred to me that attempting to make any kind of contact over the weekend would not have been fruitful. So we decided to delay until Monday our attempting to contact these people.

Q. Now you were aware, of course, being the managing editor of the Journal News, that your election [213] guidelines provided that any new charges against candidates should be at least one week prior to the election, is that correct?

A. Yes, ma'am.

Q. And didn't it occur to you that a story with all these claims, there might be a lot of leg work and perhaps you ought to give yourself a little more time to try to verify the truth?

A. I would like to have a lot more time to verify the truth, but the weekend was not the time to try to do these interviews.

Q. Now you said to your knowledge today Patsy Stephens—excuse me, Pam Long did not try to interview Patsy Stephens at all, is that correct?

A. Not before the article was written, no.

Q. Not before the article was written?

A. Not before it was published.

Q. Not before it was published. Did Pam Long tell you she tried to reach Patsy Stephens before publication?

A. No.

Q. I want to ask that Mr. Walker's deposition be given to him, please. Mr. Walker, this is your deposition. It was taken, I believe, by Mr. Lloyd on July 20, 1984, correct, under oath when you gave this deposition and I want to refer you to page seventeen, line T down at the bottom. The question [214] was, "Did you take any steps to interview Patsy Stephens prior to running the article or to see that someone on behalf of the Journal News interviewed Patsy Stephens?" And your answer was, "I believe that Pam Long did attempt. In fact, it was my understanding from Pam that Dan was supposed to make some arrangements for us to talk to Patsy Stephens." Is that correct?

A. Yes.

Q. And then the question says, "What's the basis for your belief that Pam attempted, Pam Long attempted to interview Patsy Stephens before this article was run?" And your answer was, "She told me that." And question, "Has Pam Long told you that she attempted to interview Patsy Stephens before she wrote this article? Is that what you're saying?" And you say, "I believe that to be the case, yes, she told me that there was a tentative agreement to meet and that that didn't come off because of a telephone call made, either Pam was leaving or Patsy couldn't come." Question, "When did she tell you that? When did Pam Long tell you that?" Answer, I can't answer that for certain. That would have been either Friday late in the day or Monday." Question, "The article came out in the paper on Tues-

day?" "Yes, sir." Question, "Pam Long told you Friday or Monday she made an attempt to reach Patsy Stephens to talk to her about this but had been unable to do so?" And the answer was, "Yes." * * *

* * *

[220] Q. * * *. On Monday night—you say that you said that on Monday night after Pam Long had interviewed Dan Connaughton, the determination was made that you didn't need to get ahold of Patsy Stephens, is that correct, what you said before?

A. No, Dan Connaughton—Pam told me that Dan said that he would put Patsy Stephens in contact with us.

[221] Q. So, you are telling me that at that point you still felt that it was important to try to reach Patsy Stephens, correct?

A. Yes.

Q. Was it your understanding that Miss Stephens was supposed to contact Miss Long prior to publication the next day?

A. That's my understanding, that Dan would talk to Patty and have her contact Pam.

Q. So as far as you know, there was an attempt of some sort being made to contact Miss Stephens?

A. Yes.

* * *

[223] Q. Okay. Now, you were also aware, from the Long summary of the Thompson interview, that Alice Thompson had told Miss Long and Mr. Blount that she had told this story to the Hamilton Police Department, correct?

A. Yes.

Q. Was anyone assigned to contact the police department about the story?

A. Jim Blount told me that he asked Tom Grant to do that.

Q. Jim Blount told that you he asked Tom Grant to go to the police and ask them did Alice tell you that Dan Connaughton made offers?

A. No, no, he just simply told me that he had asked Tom to talk to the police. I don't know what he told Tom to ask the police or—

Q. Your impression was to check general credibility?

A. Yeah.

Q. That kind of thing. You were aware at the time that the article was published that all of the other people, with the exception of Alice Thompson and Pat Stephens, who wasn't contacted, denied that offers or promises of a trip to Florida, etc., were made at this September 17 meeting, weren't you?

A. Yes.

[224] Q. Didn't that give you a reason to doubt Miss Thompson's credibility on these claims?

A. Well, no, because the two principals, Dan and Martha, when we interviewed them, agreed that there had been discussion of jobs, and trips and opening an ice cream store and it occurred to me that that was a logical conclusion, that she was being offered some job or a trip.

Q. Dan and Martha said these promises happened at this September 17 meeting?

A. No, no, Dan and Martha denied that they had made any promises, but they said that these things had been discussed.

Q. Mr. Walker, isn't it true, to your understanding that what Dan and Martha really told the reporters was that, yes, in idle conversation, "Florida" might have been mentioned, or "restaurant" might have been mentioned, but that in fact there were no discussions about any involvement with trips and these two girls or restaurants and these two girls?

A. I don't recall the idle conversation. That was the gist, I think, of what Pam was telling me, that Dan had said was that he thought perhaps they had—

Q. So when you made the decision, was it based on your interpretation of what Pam Long was telling you?

A. Yes, ma'am.

[225] Q. Pam Long reported to you that she had verified the story, that in fact, jobs and trips were discussed and Dan admitted that, that's what she reported to you?

A. Pam didn't tell me that Dan admitted that jobs and trips were offered. She told me that Dan admitted that those things had been discussed.

Q. It had come up in conversation?

A. Right.

* * * * *

[TESTIMONY OF TOM GRANT]

* * * * *

[229] Q. He did not tell you that or he did not request that you go to the Hamilton Police Department in order to verify whether Alice Thompson had told them that Dan Connaughton promised her jobs and trips in exchange for information; is that correct?

A. Yes.

Q. So the extent—so the only thing you verified for this article was that the New investigation was going on?

A. Yes.

Q. Did he ask you to check about Thompson's general credibility?

A. No.

Q. You never heard the name from Mr. Blount at that time?

A. Not at that time, that I recall.

Q. Is that the extent of your involvement?

A. I went with Pam Long on the interview with Ernie and Jeanette Barnes that Monday evening.

Q. So Mr. Blount or Mr. Walker asked you to get ahold of Mr. Barnes in order to set up the interview, correct?

A. Yes, Bob Walker did.

Q. Mr. Walker, that was because Mr. Barnes is the fire chief and because of the nature of your reporting, you [230] were friends with him, correct?

A. Yes, he's a deputy fire chief.

THE COURT: Could you speak a little better into the microphone.

Q. You did, in fact, set up an interview with the Barnes for Monday evening, correct?

A. Yes, eight p.m. that Monday evening.

Q. And Pam Long accompanied you?

A. Yes.

Q. By that point in time did you know what the story was all about?

A. No. I had not been in on the meeting. I did sense that during the interview.

Q. You were there, I take it, basically to provide an introduction for Miss Long to carry out this interview?

A. Yes, introduce them, so the Barnes would know who she was.

Q. Did you hear the questions that obviously Miss Long asked the Barnes?

A. Yes, I did.

Q. Did you—did they verify that they were present at this meeting on September 17 in the middle of the night, which was taped between the Connaughtons and Patsy Stephens and Alice Thompson, correct?

A. Yes, they did.

[231] Q. Did you hear Miss Long ask the Barnes if at any time during the course of that evening, Dan Connaughton promised either Alice Thompson, Patsy Stephens or both, any type of jobs, trips, offers, inducements of any kind? Did you hear Miss Long ask that question?

A. Yes.

Q. The Barnes denied that there were any types of offers, promises or inducements; is that correct?

A. Yes.

BY MS. LUX: Your Honor, I don't have any other questions. Excuse me.

THE COURT: Mr. Lloyd, do you wish to confer?

MR. LLOYD: I want to confer.

THE COURT: No problem.

BY MS. LUX: Two questions, Your Honor.

Q. Mr. Grant, based upon your several years of knowing Ernie Barnes and your association with him in your duties as the police reporter, you regard him as a generally credible person, is that correct?

MR. IRWIN: Objection.

THE COURT: Overruled, the witness may respond.

A. Yes, I do.

Q. Likewise, you are acquainted with Jeanette Barnes. She once worked at the Journal News and you consider [232] her a generally credible person; is that correct?

A. Yes.

* * *

[TESTIMONY OF LAURELL CAMPBELL]

* * *

[233] Q. What I'm going to question you about is your involvement in the preparation of that article. Now, as I understand it, your first knowledge that there might be a potential story which ultimately resulted in this publication was the previous Friday; is that correct?

A. Yes.

Q. You were called to a meeting by your managing editor, Bob Walker, correct?

A. Yes.

Q. Do you remember who also was present at the meeting?

A. Yes. Pam Long, Jim Blount, Sue Kiesewetter, Mike Jones, Larry Fullerton, Bill Seibert and Jeanne Houck.

Q. The substance of that meeting, as I understand it, was Long reported on this interview she had with Alice Thompson? And those of you that were there col-

lectively framed a list of questions that you were going to ask potential interviewees, is that correct?

A. Yes.

Q. Did you receive an assignment at that meeting?

A. Yes.

[234] Q. What was your assignment?

A. To interview Dave Berry.

Q. When were you to interview Mr. Berry?

A. The following Monday, October 31.

Q. Were you given discretion as to what time you could do it or was there a specific time that you were supposed to interview him?

A. I was told that he and Dan Connaughton already had an appointment at the Journal News for that afternoon and so that would be a convenient time to interview him.

Q. I don't know if the other exhibits are up there. Is there a Plaintiff's Exhibit 6 in front of you?

A. No.

Q. Pam Long was given the assignment to interview Dan Connaughton; is that correct?

A. I don't really remember. According to the list of questions, yes.

Q. Was the intent at that Friday meeting to allow Mr. Connaughton and Mr. Berry to come to this appointment and then to separate them afterwards so that the two of you could conduct your interviews?

A. I was told that after they finished the business that they had the appointment for, that then I could approach Dave Berry and speak with him.

Q. You did in fact approach Dave Berry and speak [235] with him?

A. Yes.

Q. And did you ask him all of the questions that appear on Plaintiff's Exhibit 6?

A. Yes.

Q. In doing that, you asked Mr. Berry, did you not, whether Dan Connaughton made any offers, promises of

jobs or trips, etc., to either Alice Thompson or Patsy Stephens?

A. Yes, I did.

Q. Mr. Berry told you absolutely not; is that correct?

A. That's correct.

Q. Did you report on your—the results of your interview?

A. Yes.

Q. To whom?

A. I took the notes in longhand, then transcribed them on my typewriter and put them on Pam Long's desk.

Q. So the only thing that—what you were able to verify regarding the jobs and trips from Mr. Berry was that none had been offered, correct?

A. Yes.

[TESTIMONY OF JOSEPH COCOZZO]

[237] Q. In fact, I believe there's a Joint Exhibit I in front of you, which is an article dated November 1, 1983, is that correct?

A. Yes.

Q. That is the article that forms the basis of this lawsuit, correct?

A. Yes.

Q. In fact, you were the individual who gave ultimate authority to publish this particular article, that's true, correct?

A. (Witness nods affirmatively.)

[240] Q. Your next principal involvement was on the morning that the article was actually published?

A. Yes.

Q. There was apparently a meeting in your office to review the article; that true?

A. Yes.

Q. Did you call that meeting?

A. No, I believe Mr. Blount did.

Q. Can you describe to me the circumstances of what happened, he came to you and—

A. Again, my role as publisher takes me into all the operations of the newspaper. I was generally made apprised that we were interviewing Alice Thompson. A few elements with regard to some follow-up we were doing. I was generally satisfied that my people were doing what they were supposed to be doing, but it all didn't come together until the morning of November first. There was a meeting in my office with my editorial director, Jim Blount, my managing editor, [241] Bob Walker and counsel for the newspaper, Mr. Jim Irwin.

Q. Did you invite Mr. Irwin—

A. Mr. Blount did.

Q. These people just kind of showed up at your office, no?

A. No, Mr. Irwin has been counsel for the newspaper for I guess about fifteen years.

Q. I understand, I'm sorry. You said that you didn't call the meeting. Mr. Blount did and he invited these other people and they came to your office to review the article. Do you recall how long this meeting lasted?

A. Approximately one hour.

Q. And the purpose of the meeting was to review the article for accuracy; is that correct?

A. Well, there were a number of things that needed to be discussed. First and foremost, had we done our job? Was the story fair? Was it accurate? I wanted to hear in a situation like this from my editors, their reasons why it was newsworthy. That was one primary function of that meeting. Clearly, with Mr. Irwin present, I also wanted to hear from counsel as to whether or not it was fit to print and if we were in our legal rights to print it.

Q. In discussing the matter, did you specifically—did you or Mr. Irwin specifically question Mr. Blount or

Mr. Walker about the manner in which the post-interview [242] verification process had occurred, that is, the post-Thompson interview?

A. Yes, we talked about that.

Q. So you were aware then that prior to publication, Patty Stephens had not been contacted in order to verify the story?

A. Yes.

Q. You were aware of that?

A. Yes.

Q. You were aware that no attempts had been made?

A. No, I was not aware of that.

Q. What were—

A. I was made aware that we had thought we were going to talk to her the day before. I was told that we had some reporters available 'til eight or nine o'clock. I'm not sure. But late in the evening, that on Monday night, the night before. In fact, there was some hope that we would have talked to her that Tuesday morning, prior to publication.

Q. But to your knowledge, no reporter or editor from the Journal News ever picked up the telephone and tried to contact her, did they?

A. There was some confusion on that point. In all honesty, I would have to say that the time I approved, gave my permission to run it, I had interpreted that as meaning [243] that we had an appointment, a firm appointment to talk to her. In all honesty, I learned after the fact that, yes, we thought she was coming in but it was not because we had had an appointment.

Q. I simply just want to understand what you said. Did you say at the time you approved it, you thought you had an appointment set up with her which was initiated by someone from the Journal News?

A. That's correct.

Q. So in your mind at the time of the—you gave your okay to run the article, you were satisfied that the Jour-

nal News had at least attempted to contact Patsy Stephens, correct?

A. Yes.

Q. We now know that there was some confusion on that matter?

A. Well, there was some confusion on that note. I learned later that we had been told that she would be coming in to talk to us. That wasn't a guaranteed promise, but that's the reason I had—my editors had some reporters there 'til eight or nine Monday evening, but it was not by appointment.

* * *

[247] Q. What did they tell you?

A. I was told that they had checked with the police and the police said that they were engaged in a criminal investigation and did not have the time, nor it wasn't their business to check out those claims.

Q. Who told you this? Mr. Blount?

A. Jim did, yes.

Q. Was your impression that Mr. Blount himself or someone on his behalf had contacted the police and specifically asked the police whether Alice Thompson told them that Dan Connaughton made these offers to her?

A. I surmise that from his answer, yes. Either himself or at that time, I assumed it would have been Tom Grant, because Tom was our police reporter.

Q. In fact, the police weren't asked that question. Do you have any knowledge of that?

A. It's my understanding that they were.

Q. You think that they were?

A. Yes.

* * *

[249] Q. I understand that, you know, you have a lot of stories to check out, but this particular story contains some pretty big charges against Mr. Connaughton, is that true? Would you agree with that?

A. Yes.

Q. You didn't feel that you had an extra duty, because of the nature of the allegations in that article, to doublecheck and make sure that each—that you were as accurate as you possibly could be?

A. No, I did feel that duty. That's in fact one reason why we sat in the meeting, to go over it one more time. As I mentioned, that is not something I do customarily.

Q. So you did realize or recognize the potentiality of harm of this article?

A. Yes.

[250] Q. Did you or Mr. Irwin make any changes to the article that you recall, substantive changes?

A. No, it ran exactly as it was submitted by my editors.

Q. If I recall correctly, it didn't have a headline on it at that point, did it?

A. No.

Q. Did you see the headline before it was published?

A. No.

Q. So you were not the one that approved that?

A. No.

Q. Do you know who wrote it or approved it?

A. I would, whoever was working the desk that day to clear the paper for publication. It would either have been Mr. Walker or Mr. Fullerton. I could really not tell you for sure who did it.

Q. Mr. Cocozzo, if you had known that in fact there was no appointment with Patsy Stephens, wouldn't it have been good practice to instruct someone to call her in order to verify the story or try to verify it before it was run?

A. Yes.

* * *

[1254] Q. Would you tell the jury what the terms "penetration" or "coverage" mean?

A. A newspaper's circulation is the absolute number of newspapers sold in a given area. Penetration, on the

other hand, is a relative measure. It is the number of papers distributed in an area divided by the number of potential readers in that same area. For example, if you had a hundred homes on the street and fifty people took the paper, you would have fifty percent coverage of that street.

Q. Are you also familiar with the circulation figures for other newspapers circulated within the city of Hamilton in the Butler County area?

A. Yes, sir.

Q. Why?

A. That's part of my job to know that. It's important to know what people in the community are reading.

Q. Sir, what is the circulation of the Journal News in Butler County?

A. Butler County, less Middletown, one of the northern cities in Butler County, which is an area where we don't really cover, about twenty-nine thousand papers.

* * *

[TESTIMONY OF SUE KIESEWETTER]

* * *

[294] Q. Now, when you interviewed—strike that. Did anything that occurred in the meeting of Friday, October the 28th strike you as being against journalistic ethics?

A. No. We were trying to be as fair as possible because the allegations were very serious, and it was an election year. Mr. Connaughton was a candidate, so we wanted to be particularly careful of any information we received and we went out of our way to try and get it confirmed or disapproved by as many people as we could.

Q. Did Mr. Walker, the managing—excuse me, he was the managing editor at that time, is that correct?

A. Yes.

Q. Did Mr. Walker emphasize to all of the reporters and the people present at that meeting that everybody should be careful and do it right?

A. Yes, that's why we were given a specific list of questions to make sure that we all asked the questions in the same way we had at the meeting. There was an original list of questions. We all talked about them in order that we would all fully understand what information was being asked and during the course of that, the questions were revised a little bit, and then retyped and given to each of us on Monday before we did the interviews.

Q. You did try to follow, to the best of your ability, the list of questions that had been first proposed [295] and then worked on and then typed up for you and given to you Monday, correct?

A. Yes.

Q. Isn't it true, Miss Kiesewetter, that during the interview of Martha Connaughton, that she confirmed that there had been a discussion with Patty Stephens and Alice Thompson concerning the subject of jobs?

A. Yes.

Q. Isn't it true that there was a confirmation by Martha Connaughton that there have been discussions of the concept of anonymity?

A. Yes.

* * *

[298] Q. I take it that during the interview of Martha Connaughton, she confirmed that there had been a series of meetings with Alice Thompson and Patty Stephens, is that correct?

A. Yes, now the first one she had wasn't a meeting per se. That they had—that they were told that somebody at the Breedlove home had some interview on DUI, so they went there, and they talked with Patsy, but it wasn't a formal meeting or anything like that. The second two were more what I would consider formal meetings.

Q. I have seen your notes on—let me get the reference here—Exhibit 29, Plaintiff's Exhibit 29, page three, under paragraph 7, then there's a B?

A. Yes.

Q. Says, "she," then there's a triangle sign, "Patsy, triangle sign, would be good at it, comma, she said." This is right under the "no promise of Municipal Court job." What's your recollection of what Martha Connaughton was saying there?

A. Oh, okay. Martha said that there's no promise made of a Municipal Court job for Patsy Stephens. Martha [299] said that Patsy only had a tenth grade education. The second part, "would be good at it she said." Martha told me that Patsy Stephenson told Martha.

Q. You mean Stephens?

A. Yeah. Patsy Stephens told Martha, that she, Patsy, would be good at working in the Municipal Court.

Q. So did you take that as a confirmation of the fact that a Municipal Court job had been discussed with Patsy—Patty Stephens. Had been discussed?

A. Yes, I would think that it was discussed in some way. I don't know how though.

Q. The subject of immunity, immunity, for Alice Thompson and Patty Stephens was also discussed in that interview with Martha Connaughton, wasn't it?

A. Yes.

Q. They confirmed, did she not, Miss Kiesewetter, that there was a discussion with the Prosecuting Attorney of Butler County, John Holcomb about immunity for these two girls?

A. Yes.

Q. Do you remember what Martha Connaughton had to say?

A. Okay. Martha told me that Dan did not offer immunity to the two women, but he did say he would call up Mr. Holcomb and ask if they could be given immunity. [300] According to Martha, he did call up Mr. Holcomb

and it was his understanding that immunity would be given.

Q. Whose understanding?

A. Mr. Connaughton's understanding, but he did not offer the two women immunity.

Q. But he did attempt to secure it for them?

A. Yes, that's my understanding.

Q. In further, not only did he attempt, but Martha Connaughton was under the impression that he had successfully procured immunity or a promise of immunity from the Prosecuting Attorney, John Holcomb, is that correct?

A. Yes.

MR. CREIGHTON: Your Honor, may I have just minute?

THE COURT: Take you time.

Q. Just one or two more questions. Was there anything about the process of interviewing Martha Connaughton or Linda Berry or the discussions in the meeting on Friday where you set those interviews up, that was not standard newspaper reportorial practice?

A. No.

* * * *

[TESTIMONY OF JUDGE ARTHUR FIEHRER]

* * * *

[311] Q. Would you be good enough to pass Judge Fiehrer Joint Exhibit I, please? Now, sir, have you ever seen Joint Exhibit I?

A. Yes, sir, I have.

Q. That's the article that the Journal News published about Dan Connaughton on November 1, 1983?

A. Yes, it is.

Q. Did you see it when it came out?

A. I did.

Q. Have you examined it?

A. Yes.

Q. Now, Judge, based upon your knowledge and experience, do you have an opinion as to whether this ar-

ticle, the Journal News ran about Mr. Connaughton had an adverse effect upon his reputation?

A. I have an opinion.

Q. What is that opinion?

A. It did have an effect upon his reputation.

Q. What kind of effect?

A. It was detrimental.

[312] Q. What do you base your opinion on?

A. Well, after reading the article, where you are trying to imply that he did something that was illegal.

Q. What was that?

A. Attempting to bribe a witness, it says here, "Bribery Case Witness." That's the headline.

Q. What else in the article do you think harmful to Mr. Connaughton?

A. They were trying to imply in one of these articles about the—he was attempting to get someone to give some false testimony to the Grand Jury, if I recall.

* * * *

[316] Q. Judge Fiehrer, based upon your political experience, do you have an opinion as to whether an article of this type written about a candidate for office, published a week before the election could affect the outcome of the election?

A. I have an opinion.

Q. What is that?

A. It would affect the outcome of the election.

* * * *

[322] Q. Could you point out to me anywhere in the article where there is any statements that would leave one to believe that Mr. Connaughton attempted to get a witness to testify falsely?

A. It's probably isn't in there but when you read this headline you come to the conclusion it's something of a bribery matter.

* * * *

[TESTIMONY OF DAVID M. GREEN]

* * *

[331] Q. Have you seen Joint Exhibit 1, which is the article which the Hamilton Journal News published about Mr. Connaughton on November 1st, 1983?

A. Yes, sir, I've seen it.

Q. Did you read it when it came out?

A. Yes, sir, I did.

Q. Mr. Green, based on your experience, do you have an opinion as to whether that article had a detrimental effect on Mr. Connaughton's reputation?

A. I have such an opinion.

MR. IRWIN: Objection.

THE COURT: Overruled. You may respond.

A. I have such an opinion.

Q. Would you tell us what it is and what it's based on, please?

A. What my opinion is based on?

Q. First of all, what is your opinion?

A. My opinion is it was extremely detrimental to [332] Dan both in his campaign to be elected Municipal Judge of our community, it was devastating. As a matter of fact, it was also devastating to his law practice.

Q. One more question, sir, on what do you base your opinion?

A. I base my opinion on personal observations, and also conversations with other members of the community as well as people in my profession, and in my own experience.

MR. LLOYD: I think that's it, Your Honor. I don't have any more questions.

THE COURT: Do you wish to interrogate, Mr. Irwin?

CROSS-EXAMINATION

BY MR. IRWIN:

Q. I'm sorry, Mr. Green, I don't think I heard all of your direct. How long did you say you've known Mr. Connaughton?

A. I think about seventeen or eighteen years.

Q. And Mr. Connaughton is a friend of yours, isn't he?

A. He's a friend and professional colleague.

Q. You know him and like him, don't you?

A. I certainly do.

Q. And you were a supporter of his in the campaign?

A. No, I was not. I was a survivor in that [333] campaign. As a practitioner in the election for our Municipal Judge, which is the subject matter of this situation, I supported actually neither candidate.

Q. Did you contribute to Mr. Connaughton's campaign?

A. I contributed to both campaigns.

Q. You contributed to both campaigns?

A. I did, sir. I do a lot of business in Municipal Court and that's what I did, I contributed to Judge Dolan's campaign and I contributed to Dan Connaughton's campaign and I told them both I was going to do it, and I did it.

Q. You testified that you felt this article damaged Mr. Connaughton's law practice?

A. Yes, sir.

Q. What do you base that on?

A. In this business, sir, the only thing that you really have to sell is your reputation. That is, your reputation to exercise mature, intelligent judgment, and when you get into a situation where you have claims such that he tried to bribe Grand Jury witnesses, it can't do anything but have a detrimental effect on your business.

* * *

[338] Q. Other than that paragraph that you pointed out that has the word dirty tricks in it, can you point out anything in this article that, to your mind, can be construed [339] as accusing Mr. Connaughton of attempting to get a witness to give false testimony to a Grand Jury?

A. Additionally the things that you pointed out, I think you said they were in the 6th column in your joint exhibit there, referring to a job for Thompson in appreciation for her help with Connaughton's investigation of Billy New and Judge Dolan, a Municipal Court job, the Stephens, an indication to Thompson, her sister to go on a possible post-election trip to Florida with Connaughton and his family, set up Thompson's parents, Zella and Brownie Breedlove in the restaurant business at the location of Walt's Chambers which Connaughton owns and leases at his property on Court Street opposite the Butler County Courthouse next to Connaughton's law office. These are the things, in my opinion, lead me to the conclusion I responded to.

Q. Those paragraphs lead you to the conclusion Mr. Connaughton was trying to get these people to give false testimony to the Grand Jury?

A. Those are the things that he was accused of doing by this article. By offering them to whatever the people's names were, Mrs. Thompson, or whatever those were, allegedly the inducements. That's what I got from this article.

Q. Inducing them to do what?

A. Inducing them to testify.

[340] Q. Just to testify?

A. Yes.

Q. To come forward with the truth, correct?

A. There was a pending Grand Jury investigation and it was the worst kept secret in Hamilton.

THE COURT: Mr. Green, I really don't want to admonish you again. Read the question please.

(Question read.)

A. To come forward with the truth, yes.

* * *
[TESTIMONY OF JEANETTE BARNES]
* * *

[350] Q. Now we are skipping a little bit, but I want to ask you about this single issue. During that interview, did either of them ask you whether the tapes ran continuously or how the tapes ran?

A. They asked—I think it was were the tapes turned on and off or off and on.

Q. What did you say?

A. I said he punched the tapes on. They ran all the time. My husband said, "Except for stops to change the tapes, to get drinks and once when there was trouble with one machine." I said that's exactly right.

Q. Going back to the meeting at the Connaughton home that we began to talk about. I'll ask you whether during the time that you were there, Mr. Connaughton ever made any offer or promise of any jobs or trips or anything else, either to Patsy Stephens or Alice Thompson?

A. Absolutely not.

Q. Did anyone else who was there ever make any promises or offers to either of those ladies?

[351] A. Not that I heard.

Q. Now, you've already said that two representatives of the Journal News interviewed you about that meeting?

A. Uh-huh.

Q. When was that?

A. That was October 31.

Q. Where was the interview?

A. It was in our home.

Q. How was it set up?

A. My husband had invited Tom Grant.

.

[361] Q. How soon after the people arrived at twelve-thirty, Alice and Patty, did you begin the tapes that you talked about?

A. Almost immediately, after the introductions were made, I would say five, ten minutes, maybe sooner.

Q. When did you leave?

A. Well, let's see, we left about two or three minutes after they did.

Q. After who did?

A. Joe Cox and Dave Berry and Alice and Patty.

Q. What time was that?

A. I'm not sure, but I do remember commenting when we got home, we got in bed and I said, "It's five o'clock in the morning."

Q. So is it your testimony that you were there the [362] entire time that Alice Thompson and Patty Stephens were there?

A. That's right.

Q. That's four and a half hours, isn't it?

A. That's right.

Q. Have you ever listened to the tapes that were made of that meeting?

A. I've never heard them.

Q. If I told you that they were played in this court and that the tapes were represented to be three one hour cassette tapes, would that recall anything to you about how long the tapes were on?

A. No.

Q. If I told you that, as a matter of fact, the tapes lasted two hours and twenty minutes in this courtroom, would that surprise you?

A. However long we were there.

Q. Well, the tapes were two hours and twenty minutes and you were there almost four and a half hours. Do you have any explanation for that?

A. I don't.

MR. LLOYD: Your Honor, I want to object.

THE COURT: Overruled. Cross-examination. You may proceed.

MR. LLOYD: May I be heard?

[363] THE COURT: Yes.

At Side Bar:

MR. LLOYD: Well, I don't want to make a big deal of it, but there's no evidence that as to how long the tapes were played in this courtroom. I don't really know and unless he—maybe actually timed it, I think he's just asking something that she may not know, I don't know.

THE COURT: Hold on. I can give you a pretty good idea. We heard tapes from 3:10 to 4:20. Hour and ten minutes on Monday, August fifth. We heard tapes from 9:05 to 10:20. That's an hour and fifteen minutes, so that's one fifteen, plus one ten.

MR. CREIGHTON: I'm sorry, Your Honor, I was off five minutes.

THE COURT: I think these are perfectly appropriate questions, because that statement has been made before that they were together until about five o'clock in the morning. I think it's arguable in terms of their contention, I presume that the tapes—that the taping machines were off for a substantial length of time. Let's go forward.

[364] Before the Jury:

THE COURT: Objection overruled.

MR. CREIGHTON: Your Honor, I apologize, I can't remember what my question was.

THE COURT: Read the question please.

(Question read.)

A. I don't, other than the tapes were changed, different intervals, maybe two or three times. I don't recall now. But they were changed and drinks were gotten for everybody, soft drinks were gotten to everybody and there was trouble with one of the machines at one time.

Q. You said that during the meeting soft drinks were gotten for people?

A. That's right.

Q. Did you leave the room at any time?

A. I did not.

Q. Four and a half hours and you didn't go to the bathroom or anything like that?

A. No, I didn't.

Q. Is it your testimony that you heard every word spoken by either one of these women that night?

A. As far as the interview was concerned, I did. When there was some chit-chat going on and everybody talking at once I didn't hear everything.

Q. What you're indicating was there was an interval [365] and there was chit-chat and you're making a distinction, is that right?

A. That's right.

Q. In the chit-chat session, I assume there were more than one chit-chat session, is that right?

A. No.

Q. Just one?

A. Initial introductions were made and the tapes were turned on. It wasn't any chit-chat other than who wanted what kind of drink, Pepsi or Coke or whatever like that.

Q. Did Mr. Connaughton ever signal with his hands for the tapes to be turned off?

A. He did not.

Q. Did Mr. Connaughton ever make any remarks about how he was just so surprised, kind of blown away

by what he was hearing on the tapes? Did you ever hear anything like that?

A. He might have said something after the tapes were turned off about these were serious allegations and very difficult to believe.

Q. There was some conversation that occurred after the tapes were turned off and before you left the room, is that correct?

A. Right.

Q. So we have before the tapes were turned off there was some chit-chat?

[366] A. Just introductions.

Q. That you could hear?

A. Right.

Q. And then during the taping there were times when they were turned off to change them?

A. Yes.

Q. And there were no discussions during the changing other than just to get drinks and there was no questions or anything directed to Alice Thompson and Patty Stephens?

A. No.

Q. Did anybody continue talking while they were changed?

A. No, not that I noticed.

Q. But it could have happened without your noticing?

A. I don't think so. It was sitting right in front of me.

Q. Now, were you aware of the fact that after that September 17th meeting at the Connaughton's that there was a session with Patty Stephens where she took a lie detector test?

A. I think Martha mentioned that to me.

Q. You weren't there, were you?

A. No, I wasn't.

• • • • •

[TESTIMONY OF ERNEST BARNES]

* * *

[375] Q. What is your title, sir?

A. I'm a deputy chief in charge of training and paramedic program.

Q. City of Hamilton?

A. Yes.

Q. How long have you had that job, sir?

A. 23 years, a little more.

Q. Jeanette Barnes is your wife, right?

A. That's correct.

Q. And the two of you were present at the Connaughton's house on the 17th of September, 1983, is that right?

A. Yes.

Q. And at that time Miss Stephens and Miss Thompson were there, is that right?

A. Yes.

Q. And they were interrogated by Mr. Connaughton and Mr. Berry at some length, were they not?

A. Yes.

Q. During that entire meeting—by the way did you hear the entire discussion that took place between Mr. Berry and Mr. Connaughton, Miss Stephens and Miss Thompson?

A. Yes.

Q. At any time did Mr. Connaughton or anyone else [376] make any offers to those two ladies of any jobs or trips?

A. No.

Q. You're certain of that, sir?

A. Yes, I am.

* * *

[TESTIMONY OF
MARTHA JANE CONNAUGHTON]

* * *

[397] Q. Can you tell us briefly how did it come that you were at Patsy Stephens' home having a conversation with her?

A. Yes. About a week prior to that date, I think it was about September 8, I had a conversation with June Taylor who is president of the MADD organization of Southwest Ohio, and she gave me some information when I was at her home and she handed something to me, as best I can recall, and she said, "This is something I think might help you with your campaign." And it was something to do with a court, something to do with court, a receipt or something with a Jack Sheiffer's name on it. And she told me that his wife could help us, something to that affect, I'm not exactly sure about the conversation.

Q. How did this lead you to Patsy Stephens?

A. June Taylor told us that Pat Stephens was divorced from Jack Sheiffer so we really didn't know where Pat Stephens lived, so my brother, David, went to Domestic Relations and they had records of divorces there and found that Pat Stephens was actually the Pat Shevers who had taken back her former name, which was Stephens, after her divorce.

Q. So you went out to speak with Miss Stephens on September 15?

A. Right.

Q. Who else was present during this conversation?

A. David Berry, my brother, and Pat Stephens' mother, Zolla McQueen.

[398] Q. Could you just describe in brief terms what was discussed at this meeting?

A. We just introduced ourselves, I think we might have shown her our driver's license so she would know who we were, and we told her why we were there, that

June Taylor gave us her name and she thought she might have some information about Hamilton Municipal Court and she—she just told us a little bit about some of her experiences in Hamilton Municipal Court.

Q. As best you recall, was Alice Thompson present at this particular meeting?

A. She walked in during the meeting, the conversation, she just walked in and sat down. She was living at the same address.

Q. Did Miss Thompon participate in the conversation?

A. Yes she did, she volunteered some information about her experience she had had in Hamilton Municipal Court.

* * *

[400] Q. Let me back up a second. Can you remember or recall approximately how long you were at the Stephens/Breedlove home on September 15 when all of you were present?

A. I would say might have been a half hour, 45 minutes at the longest.

Q. Now when Mrs. Breedlove phoned you on, I think you said Friday afternoon, did you make arrangements with her as to when the meeting was to be held?

A. Right, she told me that the girls were working at Rink's and they would be home around 11:30 or midnight and she asked me if we would make arrangements to pick them up and I said yes, but I was sure that my brother, David Berry, and Joe Cox would not want to sit in a car on the street at that time at night. She said, "That's fine, tell them to knock on the door and they can come in and we'll sit and wait for them and have coffee."

Q. And did Mr. Cox and Mr. Berry, in fact, pick the girls up?

A. Yes they did.

[401] Q. And they brought them back to your house, correct?

A. That is right.

Q. Who was present at your house?

A. When he got back to our house Mr. and Mrs. Barnes and myself, and Dan was there.

Q. Okay, and then—

A. And then, of course, David Berry and Joe Cox came in with Pat Stephens and Alice Thompson.

Q. Do you recall approximately what time it might have been when they got to your house?

A. I think it was shortly after midnight, maybe about 12:15, 12:30, somewhere in that timeframe.

Q. We've heard tapes of what occurred during—

THE COURT: May I see counsel.

At Side Bar:

THE COURT: We reach a point sooner or later where all you're doing is going over the same materials, Ms. Lux, and I don't think that's right. Now this jury has sat with reasonable patience while you have explored minutely and exhaustively. I'm not going to let you do it again. If you want some general questions of this witness feel free but you may not go through word for word and incident by incident what occurred. It's time to get this cash furnished with.

Before the Jury:

[402] BY MS. LUX:

Q. We were discussing the meeting on September 19, 1983. During the course of that meeting, did you or your husband or Mr. Cox or Mr. Berry discuss in any manner any jobs, trips, or any other offers or promises of any material goods to these girls in exchange for what they were telling you?

A. No.

Q. The meeting was tape recorded, is that correct?

A. That is correct.

Q. Do you recall Mrs. Connaughton, whether during the course of that tape recording Alice Thompson asked you or your husband what she was going to get out of this?

A. No.

Q. When was the next time you saw the two girls, two women, excuse me?

A. After the morning of the 17th. The next time I saw Alice Thompson and Pat Stephens was the morning of the polygraph test.

Q. How long were you with Miss Stephens and Miss Thompson on that day?

A. Well, in the morning someone picked them up for the polygraph test. I don't know who, and I sat over in the interior decorating studio with Alice Thompson while we waited for her sister, Pat Stephens, to take the polygraph test and I think that was over with around noon and after that I went to my [403] husband's office and after it was finished, that was about three hours, in the morning, is that what you mean?

Q. How long were you, Mrs. Connaughton, with the girls that day?

A. From the morning until in the evening.

Q. Did you at the time that you were with Miss Stephens and Miss Thompson that day, did your husband or yourself ever promise them any jobs, trips, dinners or anything else?

A. No.

Q. Dan wasn't with you that entire time?

A. No.

Q. Was it basically just you and Miss Thompson and Miss Stevens in the afternoon?

A. Yes.

[404] Q. Did you during that afternoon when you were alone with the two girls discuss jobs, trips, promises?

A. No.

Q. Did you say anything at all to Alice Thompson or Patsy Stephens during the course of that afternoon which they could interpret as promises, trips, dinner, whatever?

A. No.

Q. Between the time of the day of the polygraph test and November 1, 1983, which is the day the article came

out, did you personally see Patsy Stephens and/or Alice Thompson again?

A. Yes, I did. Pat Stephens called me—I don't even know when this was, to put a date on it. She called me and said they were concerned about their safety and she wanted to talk to me about it, so I went over. She asked me to come over and pick them up. I did. We went over to Frisch's, which was close to where they lived and had a Coke in the car.

Q. Miss Thompson was present?

A. Yes, she came along.

Q. During the course of that conversation, did you at any time discuss promises or offers of jobs, trips?

A. No, we did not.

Q. Is that the only other time between the polygraph test day and the November first that you saw the two girls?

[405] Well, I think it was.

Q. Did you receive a phone call on October 31, 1983 from anyone at the Journal News?

A. Yes, I did.

Q. Who called you?

A. Sue Kiesewetter, a reporter.

Q. About how long did you talk to Miss Kiesewetter?

A. She called late in the afternoon around four o'clock and we talked about an hour.

Q. Did Miss Kiesewetter ask you—I assume she asked you questions about all the meetings we have just discussed?

A. Yes, she did.

Q. Did you in response to her questions indicate that neither you nor your husband, nor anyone associated with the campaign had ever made any offers or promises to these two women, Patsy Stephens and Alice Thompson, did you tell Mrs. Kiesewetter that?

A. That we did not?

Q. Uh-huh.

A. Yes, I did tell her that.

Q. I think in the article there's some references to a restaurant that you were going to open up or wanted to open up or something like that. Did you ever discuss that with Patsy Stephens or Alice Thompson?

[406] A. Yes, the afternoon of the polygraph test, Pat Stephens was telling me about her restaurant that she had had for about four months, the Homette Restaurant in Hamilton and at that time I just told her that I had always had kind of a dream of having a little restaurant in a bar that's in the same office building as my husband's law office, which is right across from the courthouse and next to the post office. I thought it would be a good location for something.

Q. Did you, when you were talking with Miss Kiese-wetter on October 31, did you tell her about that conversation?

A. Yes, I did, I explained that to her.

* * *

[412] Q. I think I want to go directly to the meeting of September 17.

A. Okay.

Q. I understand that it began sort of on the evening of the sixteenth and went into the morning of the seventeenth so I'm going to use the seventeenth as the date.

A. Okay.

Q. You testified that the girls, Patsy Stephens and Alice Thompson arrived around twelve-fifteen, twelve-thirty?

A. That's correct.

Q. Would it be correct that they left around 4:15, 4:30, thereabouts?

A. That's correct.

Q. They were in your home a total of four hours?

A. Approximately, yes.

* * *

[TESTIMONY OF DANIEL E. CONNAUGHTON]

* * *

[429] Q. What had you been advised about them, and by whom?

A. My wife had told me that through the conversation she had with June Taylor and then, I guess, confirming that with Pat Stephens herself, that her ex-husband, Jack Sheiffer, had had innumerable amount of driving under the influence charges and as far as she was concerned there was never any real punishment that was ever exacted upon him and she was concerned that he was permitted to continue to drive and continue to drive and I think that, coupled with the fact that her own son had been hit by a drunk driver when he was 5 years old, is what really threw her over the edge in wanting to get something done about this. There could have been some other allusions, alluding to some other things going on in the operation of the Hamilton Municipal Court but I don't think I was ever advised of any specifics or names or what it was. The thrust of it was about her ex-husband Jack Sheiffer.

Q. Did you set up a meeting with her, you arranged to have one set up?

A. I did not but—

Q. You caused one to be set up, let's say?

A. In a sense that Mrs. Breedlove called my wife [430] to set it up.

Q. You agreed to it then?

A. Yes.

Q. And did you make arrangements for when and where the meeting should be?

A. No, I had no participation in it at all.

Q. Who did all that?

A. Martha, my wife, with Mrs. Breedlove made the arrangements.

Q. Did you arrange for people to be there that night?

A. No.

Q. Well, what did you do with respect to the meeting except show up, ask questions and listen to answers? Just tell us, for instance, did you decide that you wanted the Barnes there?

A. I had nothing to do with asking them there. I was told they were going to be there and that was perfectly fine by me. Upon hearing it I thought it was a good idea to have someone that had nothing to do with our campaign to sit in and be observers and hear what we were going to do.

Q. Did you arrange to have Mr. Cox and Mr. Berry there?

A. I didn't arrange it but I, of course, knew they were going to be there.

[431] Q. Now, did you make any plans to have any statements that might be made put on tape? Did you make any plans to do that before the meeting? There were statements put on tape, were there not?

A. Yes.

Q. Who made those plans to do that?

A. I think I do believe I brought a tape recorder home from the office. One of mine at the office was used and the other one may have been Dave Berry's but I'm not positive.

Q. Now as I understand it, Mr. Berry and Mr. Cox came over to the house and they brought these two ladies, Miss Stephens and Miss Thompson, in their car, right?

A. That's correct.

Q. And do you know, did they get there a little after midnight or between twelve and one or approximately that time?

A. My best guess is 12:30.

Q. And without going into every detail, just tell us what happened and what you did and what you said and what these two ladies did and said?

A. When they arrived at my house with Joe Cox and Dave Berry, the Barnes were already there and I was talking to them and Marthy was there and I suppose the

normal amenities, introduce everybody that was there, including the [432] Barnes, and asked where they would like to sit, like to have a Coke or another soft drink and as on any occasion when you meet someone I suppose there was a little talk, two or three or five or ten minutes before either Dave Berry or I said, "Well, we have these tape recorders," which, of course, was self-evident. They were big ones sitting on tables four feet from them and "Does anybody mind if we have this recorded," and nobody lodged any objection so they were turned on and my brother-in-law probably did seventy-five to ninety-five percent of the talking on the tapes just asking questions.

Q. I have to ask you this question. Did you and your brother-in-law or you or your brother-in-law or anyone else have any preconceived questions established to ask these women at that meeting?

A. No, sir, we had absolutely no idea what direction this was going to take and what they were going to talk about.

Q. Did you ever have a situation—was there a situation where first you had a discussion and then you, after you heard the answer then you decided, well, now comes the time to start and put it on the tape. Was it that way?

A. Absolutely not.

Q. Did you ever say, "I'm going to ask you this and now I'll turn the tape on and get your answer?"

A. Absolutely not.

[433] Q. Did Mr. Berry do anything like that?

A. No, sir.

Q. You know, everybody in the courtroom knows that you've heard the statement made that you made promises of jobs and trips to these ladies that night and either you or your wife supposedly made some promises of jobs and trips or celebration or something later on. So I guess I need to simply ask you whether during that entire meeting you made any reference to any jobs or trips or prom-

ises or offered anything or said anything that could even be reasonably interpreted, misinterpreted as an offer or promise of anything. Did you?

A. Never at any time.

Q. And did you talk on the tapes—was your voice on the tapes from time to time?

A. Sure.

Q. Did you lead these ladies or try to suggest answers to them or get them to say anything particular?

A. No. The real reason that I made some interjections into the tape from time to time, and I recall one specifically and I'm sure it was heard in the courtroom, I was very struck by the fact that Patty Stephens said she went in this special door into the Judge's chambers. Having been a city prosecutor for two years and having practiced in that court, I can tell you that you could not get a handful [434] of people, outside of attorneys, that would know that special door that locks on one side and I, in order to satisfy myself, to see if I was being told something that was the truth, I questioned her about that and asked her specifically where it was, how was it that she got into it and that sort of thing because something that striking comes out. It's really quite special knowledge. It caused me to really think that she absolutely was telling the truth.

[435] Q. Did either of these women say they were concerned about having it known that they made these statements? That is, seeking anonymity, which is sometimes confusing, but did they ask that their names be kept out of it? That's a better way to ask it, I guess.

A. After they said all that they had to say, which however long that took and the tapes were turned off and everybody was going home, I suppose ten or fifteen or twenty minutes, people were sitting around, just unwinding, and I do recall one of the two of them expressing some concern about, well, what's going to happen now, or can we be protected or something along those lines. I do recall that. I do recall myself responding—

Q. Okay, now. You responded to that?

A. Yes, sir.

Q. What did you say?

A. Well, I told them, that you never know where something like this is going to go and where it's all going to end, but if protection was needed for them, I'm sure that it would be provided by the police or the Prosecutor's Office or whoever.

Q. Did you promise their names would never come out in public?

A. No, sir. They expressed that concern. I can't say who it was specifically. I said, "Only thing I can tell [436] you is I really don't know where this is going to go, but insofar as I might have control over these things, we would try to keep your names from being prominently displayed in the public," so far as I could. It was very difficult to me to give anybody any answers about something that was so sickening and, to me, when I heard it, that I had really no idea what I was going to do.

Q. Well, now, I want to ask you this. There's been discussion in the trial of immunity. I don't think anybody has ever defined it. What's meant by immunity in this context?

I want to ask him whether they asked for—that he could get them immunity.

THE COURT: I'm not sure, Mr. Lloyd, that that's a proper question. Isn't that a matter of law?

MR. LLOYD: It's a matter of fact in this context, what it was they were asking for. He's been a prosecutor.

THE COURT: I understand, but I'm not going to permit him to testify.

Q. Did they ask you for immunity, to get them immunity?

A. That issue also came up in connection with their wanting to know about police protection, safety and I told them that I had worked for John Holcomb for two years, [437] customarily and it's almost axiomatic that

if something is leading to charges of people in a higher up position or something that people who are choosing to testify would be granted immunity and there would be no prosecution. That's the way that the system works.

Q. In fact, were they given immunity?

A. Yes, they were.

Q. By Mr. Holcomb?

A. Yes.

Q. You asked him for it?

A. Asked him for it on at least two occasions and once in their presence. I talked to him on the phone with them in my office.

Q. I need to ask you this. To what extent were these tape recorders turned on and off during the course of that discussion?

A. They obviously were turned off and on when you changed the cassette players and had to turn them over. There was some malfunction of some kind with one of the machines at one time. I don't know what it was. It got repaired, but it wasn't working right for a minute. But other than that, when those opportunities would arise, maybe somebody would get a soft drink or a Coke. Somebody might have to use the restroom, but, and I remember one occasion that Dave Berry was asking some questions and I just felt [438] that he was getting far afield or just going off into a tangent that had no end. I seem to remember I went something like this and went like this, just very quietly and he just went on to something else.

Q. Did any—I'll call it substantive discussion, if you understand my word, take place while the tapes were turned off?

A. Not at all.

Q. In other words, no—was there any discussion of the topics that you were discussing on the tapes when the tapes were turned off?

A. No, sir.

Q. But I guess what you did say was after the tapes, the discussion was held on tape, that's when the ladies discussed their concerns and fear that something might happen to them; is that right?

A. That's correct.

Q. I want to ask you this. Did you at any time say to either one of these ladies, "I'm going to use these tapes, take the tapes and play them for Dolan or New or both of them and try to force them to resign?"

A. No, sir.

Q. Did you ever allude to doing anything like that?

A. The only remark that I ever made—

Q. Is the answer to that question yes or no? Did [439] you ever allude to doing that?

A. No, I did not allude to it.

Q. Do you want to say anything more? Go ahead.

A. Well, alluding is the kind of a word—

Q. In other words, did you say anything that could cause anyone to misunderstand?

A. No, sir.

Q. Okay. Well, did you make any reference to what Judge Dolan, you thought he would do if he heard those tapes?

MR. CREIGHTON: Your Honor.

THE COURT: I'm going to sustain the objection.

MR. LLOYD: That's okay. I don't need to ask the question anyway.

THE COURT: Disregard the last question.

MR. LLOYD: Your Honor, I want to consult co-counsel for just a second.

THE COURT: Take your time, Mr. Lloyd.

Q. During that discussion with those ladies at your house that night, did either Alice Thompson or Patsy Stephens say, "What am I going to get out of this?"

A. Never.

Q. At that time, did you have any plans, did your family have any plans to leave Hamilton after the election?

A. No.

[440] Q. Was there any discussion at all of a family vacation?

A. None whatsoever.

Q. Did you or anybody else say anything about going south?

A. Alice Thompson was expressing the fact during a break or something that she was kind of chilly over there and someone did give her a sweater or blanket. Somebody said, "Well, it might be nice to go south right now," or something to that effect. I remember hearing a remark like that. I didn't say it and there wasn't a discussion. Somebody made a comment.

Q. At the conclusion of that meeting and you might as well tell us when you think it broke up. When did it break up, as best you can recall?

A. 4:30.

.

[450] Q. Did you say anything in the presence of Miss Stephens or Miss Thompson when you were—about Mr. New's resignation?

A. Just that I can't believe he resigned or wanted to know why or how he resigned or it was done in a fifteen minute period or something, as I understand, just couldn't understand it and didn't know the reason for it.

Q. Did you ever say at that time, "Now I know I have to file charges"?

A. No, sir.

Q. Do you remember anything more about any conversations you had with or in the presence of Miss Stephens or Miss Thompson on that day?

A. No. I think they left shortly after I got back that evening and within fifteen or twenty minutes or so, someone took them will home. It wasn't me. That's the last contact.

Q. Then what, if anything, did you do next about this matter of what was on the tapes?

A. I think it was on Monday, the twenty-sixth of September, just by the most peculiar happenstance circum-

stances, a gentleman that she had mentioned in her tape, guy named James Smith—

Q. Who is she?

A. Patsy Stephens had mentioned. I thought I knew [451] who he was and I called him up. He came into my office. He confirmed to me collaterally what Patty Stephens had told me.

I then called the city law director.

Q. Don't tell us what somebody said to you.

A. I understand.

Q. Just what you said and what you did based on what somebody said.

A. A meeting was set up.

Q. Who is the city law director?

A. Les Koehler. I met with Les Koehler, Jeff Landrith, the city safety director and Tom Knox, the chief of police, over in Les Koehler's office. I believe that was on Monday, the twenty-sixth.

Q. What did you tell them about the tapes, if anything?

A. I told them basically the same thing that I told John Holcomb and Richard Wessel, that what I thought the allegations were and that they were very serious.

Q. Did you do anything specific after you had that meeting with those gentlemen?

A. I was advised that if I wanted police investigation, that I needed to file a piece of paper with them and they would go forward and proceed to investigate it. I went back to my office and dictated such a letter and I think hand-carried it over to Jeff Landrith's office.

[452] Q. Did you deliver it? I mean was it placed in Mr. Landrith's, the safety director's hands?

A. I think I gave it to his secretary.

Q. What was the substance of what you prepared and had delivered to him?

A. Something to the effect, I really didn't know what they wanted, but I just said, "I'm aware of what I believe are serious allegations concerning the operation of

Hamilton Municipal Court." Went on to say that I was told by someone that—I don't know if I said bribery scheme or I don't know how I characterized. It was two or three short paragraphs and I signed my name.

Q. Where were the tapes at that point?

A. I had them.

Q. Did you ever deliver either of the sets of tapes to anybody else?

A. Yes.

Q. When did that happen?

A. Well, I had to file this complaint and I did. I think it was on a Tuesday and within twenty-four or forty-eight hours two policemen appeared at my office.

Q. Who were they?

A. I think it was Don Dose and Jim Schmidts, I think.

THE COURT: May I see counsel, please.

[453] At Side Bar:

THE COURT: Mr. Lloyd, I think you are getting off the point. I don't think this has a thing to do with whether they libeled him. I don't care what he did. The question is, what did they do. We have been at this what, for almost an hour on really minutiae that doesn't bear on this.

I don't know what the significance of this is. His good faith, his bona fides are not in issue.

MR. CREIGHTON: Your Honor, I would rather let Mr. Lloyd continue, because a lot of the things that he is saying we intend to dispute, very heavily.

THE COURT: If you don't object, I'm not going to. Let's go forward.

Before the Jury:

By Mr. Lloyd:

Q. What happened when these policeman arrived at your office?

A. Advised them orally of what I knew and I delivered one set of the cassette tapes to them.

. . . .

[455] Q. Excuse me. Who was Jeanne Houck? What was her position at the Journal News at the time?

A. Reporter.

Q. Who initiated that contact?

A. I think my brother-in-law did.

Q. Why is that, if you know?

A. For the reason of going to the Journal News to explain to them what I've just explained here about the procedures I went through when I finally advised the city law enforcement officers about this and the charges went forward. I just wanted to tell them when I had received the information and how this whole thing came about.

Q. Do you know whether you or Mr. Berry initiated the contact with Jeanne Houck, before or after the Enquirer article about Judge Dolan came out?

A. I don't know. I really don't know.

Q. In any event, was there any meeting arranged as a result of Mr. Berry's contact with Miss Houck?

A. Yes. . . .

. . . .

[465] Q. Do you remember saying, "You can understand how Alice Thompson might feel betrayed?"

MR. CREIGHTON: Objection.

THE COURT: I think I'll allow that question and only that question. You may respond.

A. Yes, I made that statement, that I understood how she might feel betrayed.

Q. What was the basis for that answer?

A. Well, she was getting an enormous amount of pressure from street people who were calling her all kinds of [466] names and she was very disturbed and upset by the fact that her name became public and I'm sure she attributed that fact that I was the cause of that and while, as I asserted before, I never promised anonymity or any such thing. I told the Journal News that I could understand how she could feel—

. . . .

[470] A. I believe that the article portrayed me as a person that engaged in, at the very least, unethical conduct if not illegal conduct and certainly portrayed me to be a person that would be unfit for public office and I think contained therein is the intimation that I was a person that was suborning perjury and trying to alter grand jury testimony in some way.

THE COURT: You used a word that the jury may [471] not understand. Would you explain what subornation of perjury means?

A. That happened—the person that's in charge of or attempting to charge the grand jurors would be testifying before the grand jury.

THE COURT: Members of the jury, the term subornation means to procure. Subordination of perjury is to procure perjured testimony.

A. Finally, by intimation, I think there is a part of the article that suggestions that I had attempted to blackmail the incumbent judge by presenting him tapes in order to get him to resign.

* * *

[474] Q. Would I be accurate in saying that you've had a substantial amount of your practice centered around the Hamilton Municipal Court?

A. Certainly a good portion. I would hate to get into percentages, but it would be a fair statement to say I certainly actively practiced out in that court quite a bit.

Q. When did you decide to run for judge?

A. I suppose I made the decision towards the end of 1982.

Q. Am I correct that you filed your, is it a petition for election?

A. I don't know what the formal terminology is but your candidacy petition or whatever you're required to do, filing fee, certain amount of signatures, I think it was in February of '83.

Q. If I told you it was March 24, would that—

A. That's fine.

Q. You wouldn't disagree with that if I told you that was the date?

A. No, I just didn't remember.

Q. Would you agree with me that as a first time candidate, that an apt description would be that you were a [475] political novice? You had never been a candidate for any other elective post at that time?

A. I guess that's a fair characterization given the fact I had not run before. That would be an apt term I suppose.

Q. Your brother had run for that very seat on the Hamilton Municipal Court six years before that, correct?

A. Twelve years before.

Q. He had run against Judge Berry?

A. That's correct.

Q. And Judge Berry had defeated your brother?

A. That's right.

* * *

[485] Q. When you met Joe Cocozzo, did he display any animosity towards you personally?

A. No.

Q. Did he give you an attentive ear? Did he listen to your story.

A. Yes.

Q. Was Bob Walker present, did you say?

A. No.

Q. You don't think Bob Walker was present? If he would remember that, you would simply disagree with him?

A. Yes, I would.

Q. Do you have the Defendant's Exhibits in front of you there, sir?

A. Yes, I do.

Q. Would you turn to Exhibit C and, Your Honor, I would like at this time to use one of my blown-up exhibits.

THE COURT: You may do so.

Q. Your Honor, I want to correct the record on something, that's Exhibit D, not C.

Q. Would you tell the jury what Exhibit D is, sir?

A. This is a letter that I prepared and submitted to the Journal News to the editor letter.

Q. Did they publish it?

A. Yes, they did.

Q. Why did you write this letter?

[486] A. This was in response to a series of letters that I had been seeing in the Journal News that were printed with quite a bit of regularity, that was questioning my motives, the timing of what I had done, and generally charging me that this is, obviously, your classic case of dirty politics, that someone is releasing some information that he'd had forever for political purposes only.

Q. Is it your contention that there were letters to the editor published by the Journal News in which somebody said that you were guilty of dirty politics?

A. I think that's right, and others as well. That's my best recollection.

Q. You don't have any of those here with you, today do you?

A. No, I don't have them with me.

. . . .

[496] Q. Going back for a second to your statements in the letter to the editor of October the 20, 1983, which was Exhibit D. Your position in that letter was that September 17 was the first time that you realized that Billy J. New was doing something improper, something illegal in Judge Dolan's court, is that right?

A. That's right.

Q. Had you ever told anyone else prior to that time that Billy Joe New was doing something improper?

A. I made an offhand statement to two local attorneys one evening, saying that very same thing.

Q. When?

A. It was right after the Butler County Fair, right during it. I was out at the Butler County Fair every night. It was one of those nights towards the end of the Butler County Fair, which is usually about the end of July.

Q. Mr. Deputy Clerk, would you please provide the witness with his depositions?

Mr. Connaughton, why did you tell Judge Spillane [497] and Matt—I'm sorry, you didn't mention their names, did you? Who were the two lawyers?

A. You had them right.

Q. Judge Leslie Spillane, who is a judge in the county court, correct?

A. Right.

Q. And Matthew Crehan, who is an attorney in the Hamilton area?

A. That's true.

Q. Why did you tell Judge Spillane and Matthew Crehan that you had information about Billy Joe New and something going on in Judge Dolan's court, did you say in early August?

A. Are you quoting what I said?

Q. No, sir. Why did you tell them something about Billy Joe New in early August?

A. I told them that in response to Matthew Crehan, who was my opponent's biggest supporter. One of his biggest supporters, continuing to trying to talk me out of running for Hamilton Municipal Court judge. I was getting a little bit weary of it. It was also combined with a response to—this was right after the federal tax lien was printed in the paper. I made the normal conclusion and assumption that somebody from their camp was the one who put the Journal News on to this. So I thought that I would cause them not to be [498] bothering me any further and so I said "Well, I'll tell you what, if this is the way the campaign is going to be run, this is the kind of things that are going to go on, I've got

all kinds of stuff on Billy Joe New. I'm going to blow him out of the water." I did make a statement. I sure did.

Q. That was a story, wasn't it, sir?

A. That was a falsehood, sure.

Q. Did you indicate that that information had something to do with Judge Dolan?

A. No, I made one comment, couched very closely to what I just told you, end of subject.

Q. So you were playing a dirty trick on them, weren't you?

A. I wouldn't characterize it in that fashion, but—

Q. Well, it was a trick, wasn't it?

A. I thought it was a trick, yes.

Q. You told them a lie?

A. I did.

Q. Did you say anything else to them that night, that you can recall, about that very subject, just that subject?

A. No.

THE COURT: May I see counsel, please?

At Side Bar:

THE COURT: Mr. Creighton, I want to caution [499] you. Within limitations, I let lawyers conduct their own cross-examination, but when they pass the realms of reality and get into the world of fantasy, you may be imposing an obligation on me. When you tell me or when you ask a witness that he lied because he told his opponent something in a political campaign, you have passed reality. That isn't the way the real world acts.

If you are seeking to blacken his character, you may require me to give an instruction to the jury that this is simply not justification for libel. So all I'm telling you, Mr. Creighton, is be careful, because I know the real world. I have been in politics and I suspect so have

you. You don't really believe that what he did is anything unusual, because it isn't.

* * *

[504] Q. Your first contact with Alice and Patty Stephens would have occurred on the seventeenth, correct?

A. That's correct.

Q. When you sat down at that meeting and heard all that the two women had to say, did you believe both of them?

A. Yes, I think I did.

Q. There was no reason to believe Patty more than Alice or Alice—excuse me, Patty Stephens more than Alice Thompson or Alice Thompson more than Patty Stephens, was there?

A. I didn't have any immediate reason to believe one more than the other, no, I didn't.

Q. As I understand your testimony on direct, you asked both of them to submit to a lie detector test, but only Patty ended up taking it, is that correct?

A. It was understood or planned that both of them were and only one of them did.

Q. So we are very clear on this point, the lie detector test given to Patty Stephens has nothing to do with the statements that Alice Thompson made and were printed by the newspaper on November first, correct, they were not— [505] she was not being quizzed about her testimony in this court?

A. About her Billy New allegation and her own personal involvement, is that what you mean?

Q. No, she said in this courtroom that her sister lied to the Journal News, but that wasn't the subject matter of the lie detector test given to Patty Stephens?

A. Oh no, right. I thought you said Alice Thompson before when you said she had testified or something.

Q. I'm sorry if I confused you.

A. I understand what you are saying.

Q. You agree, don't you, that the meeting lasted from approximately twelve-thirty to four-thirty?

A. Yeah, close approximation.

Q. You agree that the tapes are two hours and twenty-five minutes?

A. You have represented that to be that and if that's what it is, I assume that's correct. I've not timed them exactly and I assume that what you represented to the Court is exactly right.

Q. Well, I timed it and I do represent that it was two hours and twenty-five minutes.

A. Sure.

Q. So there's an hour and thirty-five minutes not on the tape, the tapes I should say?

A. Appears to be the case.

[509] Q. You filed a complaint through your attorneys in this action in first State Court and then Federal Court and the State Court filing was, I believe, late December of 1983, correct?

A. That's right.

Q. You read that complaint before it was filed, didn't you?

A. Yes.

Q. As a matter of fact, you went out to Patty Stephens' home and showed it to her or talked about it with her, didn't you?

A. I had a rough copy of it when we went to her home.

Q. Everything that was said in that complaint was accurate, wasn't it?

A. Yes.

Q. You authorized the filing of the complaint?

A. Yes, I did.

Q. In the complaint says that the interview was recorded in its entirety by use of two separate recording

devices. That's not really true, is it? It wasn't recorded in its entirety?

A. I dispute your answering your own question. I [510] say that it is in its entirety. The interview was.

Q. Please explain, Mr. Connaughton.

A. I say the interview is recorded in its entirety.

Q. The tapes were turned on and off a few times during the taping on September 17, weren't they?

A. That's right.

Q. Did you ever make any statements while the tapes were turned off?

A. Well, that's about an impossible question to answer, except for me to say that I'm sure that I said something to somebody. I just wouldn't have sat there like a statue. If that's your question, if your import is did I say anything about the other parts, no. I've testified before what I said.

[512] Q. Isn't it a fact that during the evening of the seventeenth, you told the people present in the room that if they heard the tapes, New and Dolan heard the tapes, they'd probably resign?

A. I can't say that's an exact quote. I testified on direct examination that I know I said at one point, "I can't believe what I'm hearing," and "Can you imagine what these guys would do if they heard these tapes?" Something along those lines.

Q. That's exactly what you responded to the questions of the reporter and the editor on your—

THE COURT: Are you referring to the transcript, Mr. Creighton?

MR. CREIGHTON: Yes.

THE COURT: I think he's entitled to know what you are referring to. Identify the page, please.

MR. LLOYD: May I approach?

[513] At Side Bar:

MR. LLOYD: So that I don't have to do this every time, would your Honor instruct counsel whenever he's

interrogating this witness about something that's on that transcript of his discussion with Jim Blount and Pam Long, he identify it so he can refer, so I don't have to keep doing this?

THE COURT: Mr. Creighton, I think that's reasonable.

MR. CREIGHTON: Yes, your Honor.

THE COURT: If it's not a transcribed interview, you are not under that obligation, but I don't think it's fair for you to know exactly what the person said, and for him to try to remember verbatim. I think Mr. Lloyd's request is reasonable. If you are going to refer to that, identify the page.

MR. LLOYD: Or the deposition, would you include that?

THE COURT: Deposition is obvious. Okay.
Before the Jury:

By Mr. Creighton:

Q. Mr. Connaughton, please turn to page thirteen of the transcript of your interview with the Journal News, midway in the page, isn't it a fact, sir, that you were asked a question that was stated this way. "As far as the [514] resignation, though," and your answer was, "Well—

A. Excuse me, I have the wrong one here. What exhibit?

Q. Exhibit I, page thirteen.

A. I have it.

Q. Didn't you respond to that question, "Well, I probably would have put an add on and said. You know, God damn, after they hear this, they ought to just resign and quit or something, you know, in that kind of a setting and expression." Are those your words, sir?

A. This has been accurately recorded, so yes, they are. Those are the words that I spoke to the Journal News at that time.

. . . .

[524] Q. Mr. Connaughton, the article that you were complaining about in this lawsuit of November 1, 1983, in the article the claims of Alice Thompson are printed, is that correct, sir, published?

A. That's correct.

Q. Your denials of her claims are published, aren't they?

A. In different fashions, yes, they are.

Q. But your denials that you made are accurately quoted and published in that article?

A. I believe they are accurately quoted and published, although taken out of context, yes.

Q. You had a second opportunity to give denials on her claims on November third at your home when you held a press conference, is that correct?

A. I don't know if I would characterize it as that being a second opportunity to make denials of her claim but I had a press conference.

Q. And the Journal News covered that press conference, didn't they?

A. They did.

[525] Q. They published an article with your picture on it on the right-hand side, first page of the second section of the newspaper, isn't that correct?

A. I'm not positive of the location, but they certainly did, my picture and there was an article.

Q. And your denials of Alice Thompson's claims were covered in that article, weren't they, sir?

A. Not in a fashion that I took her claims and denied them. I made an overview statement of the situation as I perceived it to be and why I thought this was coming about, but I did not take her claims and then deny them in a separate press conference.

Q. Your statements from that press conference, however, were accurately reported by the Journal News, weren't they?

A. Yes, sir.

Q. Now, sir, would you take the transcript. Defendant's Exhibit I in hand, please? First of all, turn to pages thirteen and fourteen. Are you there, sir?

A. Yes, I am.

Q. Mr. Lloyd inquired about this. I don't mean to be repetitive, but you told the Journal News in response to a question about whether you could understand why—excuse me—Alice Thompson was upset." You said, "I imagine she feels betrayed."

[526] A. That's what I stated.

Q. You then went on to say that, "She probably felt that my representation, that maybe she could remain anonymous had been a breach of trust to her," didn't you, sir?

A. That's what that says.

Q. Isn't betrayal or breach of trust like a trick?

A. Is a betrayal or breach of trust like a trick?

Q. Yes, sir. Is that a trick? To betray someone?

A. If you had in fact represented something to someone, or if you had in fact had made a trust arrangement or a truth agreement with someone and you had breached that, that would be a trick.

Q. But it's your word, betrayed, wasn't it, not the Journal News' and not Alice Thompson's?

A. Mr. Creighton, what you have to understand is the Journal News, by the context of their question, they were asking me, as they did in other areas throughout this interview, to project myself into why she would be saying those things. They said why would she say this or why would she say that. I was projecting what I thought her reasoning was.

Q. You were being honest, weren't you?

A. As to what I thought she was thinking, yes, I sure was.

Q. You said, "I imagine she feels betrayed," your [527] words?

A. That's what I said.

Q. "Breach of trust" was your phrase?

A. Well, taken in the context that maybe she could remain anonymous had been a breach of trust to her. With that admonition, as I previously stated, insofar as I had control of the situation, I would have tried to have done it.

Q. Would you turn to page seventeen, sir? On page seventeen of that interview and asking about a post-election trip, you stated that there was a discussion that you can recall about maybe they could go down to Hilton Head. I'm referring to about sixty percent of the way down in that transcript, sir, that they could go down to Hilton Head or Florida or something like that or maybe hideout or something like that. Isn't that what you said to the Journal News?

A. Yes, and the rest of that sentence is, I don't know, but I own no property and have nothing to offer them.

Q. But you admit that there may have been a discussion, you kind of remember a discussion about two things, Hilton Head and Florida?

A. I do, what I said was what's in here. I do remember offhand being discussed, something like they ought to or could go down to Hilton Head or Florida or something.

Q. None of this is on the tapes of September 17?

A. I told you when that occurred before after the [528] interview was completed and they had questions about their personal safety and what to do and in the event that they were getting a lot of heat from people and I suggested to them that they could get police protection or things got real hot, maybe they could go south or go someplace. I don't know if I positively said these words as I stated in here.

Q. You were being honest with the Journal News in giving your best recollection which was only a few weeks after the event at that time, wasn't it, sir?

A. I was, particularly in the context when they had suggested two or three or four times, they keep humming

this thing about taking them with my family to Florida, which I can't even understand why they are asking such a preposterous question to begin with. So I'm searching and reaching, saying, what in the world are they driving at here. I don't even know what they are doing. So I said maybe I did say Florida or go south if they got scared. Certainly had nothing to do with going on vacation and nothing to do with going with my family, ever.

Q. Thank you, sir. Would you turn to the page?

The question concerned itself with offers to set up these two women, Patty Stephens and Alice Thompson in jobs. This continued from page fourteen where you had denied at the top of fifteen, absolutely not, and the question was, "Why would she say this to us?" Isn't it true that your response [529] was, "What was discussed in an offhanded way, the people who owned that bar who we are not very pleased with, their lease expires next September. My wife has the idea that she wants to open an ice cream type shop like Graeter's or some such thing as that. And I heard her discussion with them that maybe since Patty had run this Homette Restaurant or something of that nature, that maybe she would help out and participate in the operation of this, whatever you want to call it, deli-shop or gourmet ice cream shop. Yes, and I was present when that took place."

Do you recall giving that answer, sir?

A. Yes, I do.

Q. Then further, skip a question, then the question was put to you, "But that would be only for Patty," and then it was unintelligible. Your response was, "I guess Alice was there. And the offer may have been extended to her in that fashion, that she could work there or something. I wouldn't be surprised if that was said." Those are your words, aren't they, sir?

A. Yes.

Q. Is there anything different about the definition of the word "offer" that you used yourself in the statement to the Journal News on October 31, 1983, than the offer

that's described November 1, 1983 in the Journal News article?

[530] A. Oh, yes, there's a whole bunch of difference.

Q. The definition of "offer" changed, didn't it?

A. No, it didn't, didn't change at all.

THE COURT: Wait, you are entitled to finish your answer. Did you finish your answer?

THE WITNESS: No.

THE COURT: Feel free, answer the question as you wish.

THE WITNESS: Well, if you will recall what my answer was, says, "I guess Alice was there. The offer may have been extended to her in that fashion that she could work there. I wouldn't be surprised if that was said." I didn't hear it. They were asking me could that have been said. May it have been extended? Could this, could that? I don't know. It wasn't in my presence. Never heard it said.

MR. CREIGHTON: I have no further questions.

THE COURT: Mr. Lloyd, do you have redirect?

MR. LLOYD: Just—

THE COURT: One moment, Mr. Irwin wants to talk to you for a second.

MR. IRWIN: Thank you, Judge.

THE COURT: No problem.

THE COURT: Mr. Lloyd, it may be that defendant is not finished.

MR. CREIGHTON: Your Honor, may I have two or [531] three more questions?

THE COURT: Yes.

Q. I apologize. Turn to page thirteen of that transcript.

Down at the bottom, the question was directly put to you as follows. "Did you ever promise Alice Thompson anonymity?" Your response was, "That question was discussed and I was hoping to and I told her it would be my intention and hope that she could remain anonymous, yes, but did I promise her anonymity, the answer would

be no. Did we discuss it, we sure did. I expressed to her my desire as well as her desire that she could remain anonymous."

My question is first that is accurately read, isn't it?

A. Yes, it is.

* * *

[836] Q. Now, sir, did you at any time on the thirty-first of October, 1983 tell Miss Long, Mr. Blount or anybody else at the Journal News that you would try to get Patty Stephens to come in and talk to them?

A. Not at all. That subject matter never arose at any time. When the taped interview was going on or after it was off. The subject matter of any discussion after they completed my interview was the tapes themselves, which I knew that David Berry, my brother-in-law had in the next room. When we came out of the room together, he was just finishing up with Laurell Campbell in the next room. We met there, I advised him that I had told the Journal News that I was willing to turn over the tapes and to go ahead and let me have them, which he did and he rewound and took them and gave them to Mr. Blount. But no one ever mentioned Patty Stephens [837] and I don't know where that idea came from about that I was supposed to contact here. That's absolutely not true.

* * *

[TESTIMONY OF LESLIE SPILLANE]

* * *

[538] Q. Would you please state your name?

A. Leslie Spillane.

Q. What is your occupation?

A. I'm an attorney. I'm also an area court judge.

Q. For the jury's benefit could you explain what an area court judge is?

A. An area court judge is a part-time position in which you preside over a court having basically the same jurisdiction as a Municipal Court, but in the areas.

Q. For what jurisdiction are you a judge?

A. Area one, which is in Oxford, Ohio.

Q. Could you tell us in the summer of 1983, did you have occasion to speak with Mr. Connaughton and a Mr. Matthew Crehan regarding Mr. Connaughton's campaign for Hamilton municipal judge?

A. Yes, I did.

Q. Could you tell us when exactly, if you recall, [539] that conversation occurred?

A. I recall that it was in the month of July, but I don't recall the specific date.

Q. Can you tell me what prompted that discussion with Mr. Connaughton?

A. Dan Connaughton and Matt Crehan and I were talking about Dan's candidacy basically.

Q. Could you tell us what was the substance of that conversation?

A. Well, the substance was pretty much that Matt Crehan and I were trying to talk Dan out of running for that position.

Q. Why is that?

A. Well, I didn't feel that he stood a good chance to win. That he probably did have a good chance to inherit that job if he didn't run at this time, so I thought it made a whole lot more sense for him not to run.

Q. What was Dan's reaction?

A. He was adamant about running.

[540] Q. What was Dan's reaction to that suggestion?

A. He was adamant about running.

Q. And what else was discussed during that conversation?

A. During that conversation, Dan indicated to me and to Matt that he had information relating to Billy New who was the clerk of courts in Municipal Court and that that information was going to be sufficient to basically win him the election which would destroy Billy New and with him Judge Dolan.

Q. How did he characterize, if at all, the strength of his information?

A. We questioned him about that and while he didn't tell us what it was he did say that it was indictable.

Q. Did he use that word?

A. He used the word indictable.

Q. Would you characterize that as an offhand or flippant remark by Mr. Connaughton?

MR. LLOYD: Objection.

THE COURT: Overruled.

A. He was not being flippant.

Q. What was his emotional state when he said that?

A. Dan was adamant. He was talking strongly. He would not be dissuaded, angry.

Q. Did you get the impression in anyway that he was [541] kidding when he said that?

A. I did not think he was kidding.

* * * * *

[TESTIMONY OF JOHN HOLCOMB]

* * * * *

[643] Q. Are you acquainted with Dan Connaughton?

A. Yes.

Q. The plaintiff here?

A. Very well.

Q. Do you have any animosity or ill feelings about either Judge Dolan or Dan Connaughton?

A. None whatever.

Q. You've talked with me prior to coming in to the courtroom today, haven't you, sir, you've talked to me?

A. Yeah, last Wednesday, I think.

Q. Have you also talked with Mr. Lloyd?

A. I think I talked to him on one occasion too.

Q. You've talked to Mr. Connaughton about the case?

A. Yes, I have.

Q. Mr. Holcomb, inviting your attention to the political campaign between Judge Dolan and Mr. Connaughton, do you recall that Dan Connaughton had filed a com-

plaint against Billy New, Judge Dolan's administrative aid?

A. He caused—depends what you call a complaint. He caused the police department to start an investigation.

Q. Do you recall that a criminal case against Billy New was being handled by you and ready to present to the Grand Jury about ten days before the election in 1983?

A. Yes.

[644] Q. Do you recall reading the November 1, 1983 article in the Journal News about Alice Thompson's claims and Dan Connaughton's responses to the Billy New case or concerning the Billy New case?

A. I'm sure I read it.

Q. Mr. Clerk, does the witness have Joint Exhibit I? Mr. Holcomb, taking a second, that is the November one, 1983 article that I've referred to and I'll ask you again, have you read it? Did you read it at the time, first of all?

A. I'm sure I read it at the time.

Q. Sir, do you remember—

A. I haven't read it since.

Q. Do you remember a conference between you and Jim Blount at the Journal News several days prior to the article that you were just handed?

A. Yes, sir.

Q. Tell us what you recall about that conference.

A. As I recall, Mr. Blount called me up at my office and he said, "Can I see you for a minute?" I said, "Sure, come on over." He came over and then I remember that he acted like he was in a hurry, and that he was perspiring kind of profusely and I noticed that because I have that same problem and you notice that with people. But anyway, he walked through the door and he said, "John, I'm working on something and I don't want to get my tits in the wringer and [645] I want to check with you

on some people." I said, "Who?" He said, "I want to check with you to see if you think that Patty Stephens and Alice Thompson." and he named two or three other people, ". . . were believable people."

I said, "Yes, I think they are under these circumstances," and I said, "Sit down here." I sat him down and I gave him the statements that these people had given the police department, and, you know, I said, "This is off the record, you understand." He said, "Oh, yeah, that's the way I want it." But anyway, I showed him these statements that these people had given the police, typed statements, and he looked those over and I guess that was the gist of it.

We had some other conversation, I think that—I think he may have said something like that I was probably going to be caught in the middle of it some way. I said, "How do you figure that?" He said, "Well, you know, no matter what you do, it's going to be wrong if you prosecute the guy, then half the people are going to say, you know it's a witch hunt. If you don't prosecute him, the other half will say you let him go."

Q. Mr. Holcomb, let me ask you this. Do you remember Mr. Blount specifically inquiring about Alice Thompson's credibility, as to whether she was credible and believable?

A. Yeah, he inquired as to each.

Q. What did you tell him about Alice Thompson?

[646] A. I told him that, in my opinion, she was credible based on what I had. I may have told him she was the more credible of the ones that I had.

Q. If you had said that, as you may recall now, what would have been the basis of saying that she was the more credible of the people involved?

A. Well, because like in many criminal investigation a lot of the witnesses and a lot of the people involved have records. These people did too. They were no exception. They weren't what you would, I guess, call the

cream of the crop, but anyway, to answer your question, what she had told me, as I recall, I was able to verify independently through other people.

Q. Did Patty Stephens' claims that she made to the police check out in the same fashion?

A. Yes, they did. She made a lot more claims though, as I recall. Alice Thompson made one claim, one thing about, I have it all in here. I haven't looked at it that much. I would have to refresh my recollection. But as I recall, she said Alice Thompson told about one specific instance in which she was involved, maybe for shoplifting or something like that and about money that she paid. I was able to verify that independently through other people and also through the cash register tapes or what they call the case jackets in the Hamilton Police Department, which is [647] information that the Hamilton police detectives got for me. Now, so that was one claim that she made, which I felt was corroborated.

Now, the other woman, Patty Stephens, made a great many claims. Some of them were corroborated and, in fact, the defendant was indicted on some of the claims that she made and pled guilty to them too. So, to that extent, she was a credible person and I felt that she was, but she made other claims and had other ideas that were not in my opinion and, well, some of them I know were incredible.

Q. Did Patty Stephens in her interview with the prosecuting authorities indicate that Judge Dolan was personally aware of what was going on?

A. Yes, she did.

Q. Did that check out?

A. No, there was never any evidence of that, any corroborating evidence of that.

Q. Did Jim Blount ask you about the all night—excuse me, the tapes of the all night meeting at Connaughton's home. Do you remember him asking you?

A. I think he asked me if I heard them and I told him that I had not heard them. I did have them in my

possession at one time, but I sent them to the police department. Or at least they got to the police department some way. Finally, they did come back to my possession from [648] the police department as I recall. To answer your question, I told him that I had not listened to the tapes.

Q. Did Alice Thompson and Patty Stephens testify before the Grand Jury?

A. I'm not going to answer that unless I'm directed to.

THE COURT: I'll not direct you to answer anything. It's your choice.

THE WITNESS: See, because of the privacy of the Grand Jury, I really don't know if I should, Your Honor.

THE COURT: I understand. This is a civil matter and I'm not going to require you to do that.

Q. Let me ask it this way. Were they called to testify before the Grand Jury, subpoenaed?

A. Yeah.

Q. Was Judge Dolan called to testify before the Grand Jury?

A. Yes.

Q. Was Dan Connaughton called to testify before the Grand Jury?

A. Yes.

Q. Did the Grand Jury indict Billy New?

A. Yes.

Q. Do you recall approximately when that indictment was returned?

[649] A. I could tell you approximately like, you know, like November second or third or something like that.

Q. Did the Grand Jury take any official action against Judge Dolan or against any other employee of Judge Dolan's court?

A. No.

Q. Is Judge Dolan still the sitting judge in the Hamilton Municipal Court?

A. Yes.

Q. When the Grand Jury reported, did you issue a statement concerning the Grand Jury's findings?

A. Yes.

Q. Would you tell us what you said in that statement, summarize it for us?

A. It would be a general summary, because I really don't recall it all that well. As I recall, since this thing happened right at the election time, I took extra pains to try to be fair and impartial to Mr. Connaughton and Judge Dolan. You have to understand what the atmosphere in downtown Hamilton was at that time. I don't know how it was, you know, but around the courthouse, you know you had the Dolan camp and you had the Connaughton camp and the Connaughton camp said things about Dolan and the Dolan camp was saying things about Connaughton. So anyway, I told the press when the Grand Jury report was issued that there was no [650] evidence of any illegal inducements given by Mr. Connaughton to anyone for any reason and there was no evidence of any criminal conduct on the part of Judge Dolan or anybody in the Municipal Court system, other than Mr. New.

Q. Do you recall, sir, whether the Journal News published the substance of that statement that you gave?

A. Yes.

Q. Mr. Holcomb, you've read the November 1, 1983 article, at least you read it at the time. Are you familiar with its contents, generally?

A. I can't say that I am. I'm looking at it here, I guess, but—

Q. Would you take a minute, sir, and briefly glance over the article?

MR. CREIGHTON: Your Honor, may be have enough time to read it?

THE COURT: He may do so.

A. You don't have a pair of glasses on you, do you?

THE COURT: I will be happy to lend you mine.

A. I've looked it over.

Q. Thank you, Mr. Holcomb. Going back to November of 1983, when you read it, did you at that time take any official action against Mr. Connaughton or launch any investigation of Mr. Connaughton, or as a result of the publication of that article, the claims reported that Alice [651] Thompson had made?

A. Why, no, I would never take any action against anybody because of what's in the paper.

Q. In reading that again now, and then recollecting to your mind the reading that you gave it back in November of 1983, in your opinion, as a prosecutor for twenty-one years, is there anything in that article of November 1983 which charges Dan Connaughton with a crime?

A. Not that I recall.

Q. What about the claim by Alice Thompson that jobs and trips were offered as reported in the article; is that a crime, sir?

MR. LLOYD: Your Honor, I respect this witness, but I don't think his testimony is proper here.

THE COURT: It may well be. Objection overruled.

A. Would you repeat that, please?

Q. What about the claims by Alice Thompson that jobs and trips were offered as reported in that article? Does the fact that those jobs and trips were offered by Mr. Connaughton indicate the commission of a crime?

A. Not standing alone, no, sir, wouldn't indicate anything.

Q. Do you and other police authorities ever offer benefits to people who give you information?

[652] A. What do you mean by that?

Q. Is there a specific fund for the paying of informants to bring forth information to the prosecuting authorities and the police?

A. Yes, especially the police, not so much me. Police agencies have those funds, FBI has them, U.S. Attorney has them. Prosecuting attorney has them.

Q. You have them at your discretion, sir?

A. Yes, sir.

Q. Is there anything illegal about offering a benefit to someone to cooperate and tell you the truth?

A. Not in my opinion, no, sir. That's what they are for.

MR. CREIGHTON: Your Honor, I have no further questions of this witness at this time.

THE COURT: Mr. Lloyd, do you wish to inquire?

MR. LLOYD: Yes, your Honor.

CROSS-EXAMINATION

By Mr. Lloyd:

Q. Mr. Holcomb, when Mr. Blount came to see you and asked you about the credibility of Miss Thompson and Miss Stephens, did he tell you anything about Dan Connaughton?

A. No, sir.

Q. Did he ask you whether you had heard that Alice Thompson had accused Dan Connaughton of offering her and her [653] sister jobs or trips or anything else?

A. No, sir.

Q. So I take it he didn't ask you who you would believe if Dan Connaughton's word was pitted against Alice Thompson's?

A. No, sir.

Q. Now, did Mr. Connaughton come to you and ask your advice as to what he should do with information he had obtained?

A. Yes, sir.

Q. You remember when that was?

A. Yes, sir.

Q. Would you tell us, please?

A. September 16, 1983.

Q. What did he ask you?

A. I forget what day of the week it was on, Thursday or Friday. I had just finished some motions in a murder

case that happened near Monroe, but anyway I remember coming back to my office and there's the Connaughton family. I thought, "Oh, no, this is just what I need to wind up the week." But anyway, I took them back into my office, because we are all friends and have been for a long time. Then Dan and his wife and his brother-in-law started to tell me, simultaneously almost, about some, what they thought, were improprieties in the Hamilton Municipal Court system.

[654] Q. Did Mr. Connaughton say that he had any tapes of statements made by either Miss Stephens or Miss Thompson?

A. Well, to tell you the truth, the first time that they came in, I don't think he did. Then he came in a later time—I'm not clear on this—but I know he came in at a later time and he had tapes with him.

Q. Why, that's what I meant to ask you about. That conversation.

A. Yeah, he had tapes with him the second time.

Q. Did he ask you what he should do?

A. Well, yes, I asked him what he wanted me to do and he said he thought it was a proper matter to take directly to the Grand Jury of Butler County. I told him that I didn't think that that was a very good idea, because he had previously worked as an assistant prosecutor for me for like four years or something like that, and although Dan and I aren't what you would call real close personal friends, I mean we don't, you know, fraternize together or anything—he was coaching my son's little league baseball team for three years and my thirteen year old son and his thirteen year old son are the best of friends. So I said under these circumstances, you know, this is bad news to bring this to me and to ask me to take something directly to the Grand Jury. Why don't we just handle it like any other case, like any other citizen and you go on down to the police station and [655] tell them that—start a complaint and work it up.

Q. Did he follow your advice?

A. Yeah, he followed my advice but not right away. As I recall, maybe a week elapsed or something like that. I recall another thing too—well, maybe you don't want me—

Q. You go ahead.

A. I recall another thing that, you know, I told him that I wouldn't get too excited, you know, about what these people—about what this one woman, this Patty Stephens, he was really excited about her claims. I said I wouldn't get too excited about it and I really wouldn't get worked up about it at all until I ran her on the machine, on the polygraph.

Q. You made that suggestion to him?

A. Yes, sir, I did. Then I recall on September 22, I think he called me on the phone and said he just got the results back of the polygraph examination.

Q. After that, did you advise him to go forward with the complaint?

A. Yes, shortly after that, or again, some time elapsed. Times elapsed in here. I didn't know what the guy was waiting for, but I didn't know what was going on either. But I think toward the end of the month, I think he filed a complaint with the police department or caused them to start their investigation.

. . . .

[657] Q. So isn't this suggestion here that the Journal News said about Alice Thompson, at least in part, was that she was accusing Dan Connaughton of planning an act that was extortion?

A. Would you repeat that question?

THE COURT: Read the question, please.
(Question read back.)

A. The suggestion by the Journal News?

Q. Well, they quoted, they said that is what she said. I'm not trying to distort anything. I'm just asking you if what is suggested here might not be a crime, if true.

A. Possible.

Q. Now, sir, back to something that Mr. Creighton asked you about. You said, I believe, as I understand you, that it's not necessarily improper to offer witnesses inducements to tell the truth, is that what you said?

A. Yes, sir.

Q. I guess I need to ask you this, sir. As a matter of legal ethics, if a lawyer offers some kind of inducements to witnesses to get them to testify, without regard to what it is they are going to testify to, is that a proper thing for a lawyer to do?

MR. CREIGHTON: Objection.

THE COURT: Overruled.

[658] Q. In your judgment?

THE COURT: You may respond.

A. Sir, I think you have—I think you have to draw a distinction, at least I do, I draw a distinction between offering people something to testify and offering people something for information.

Q. Where the charge is that a lawyer offers jobs or trips to Grand Jury witnesses, is not the implication that he is offering something of value to witnesses in exchange for Grand Jury testimony?

MR. CREIGHTON: Objection.

THE COURT: Objection sustained. Jury is instructed to disregard that question.

Q. Very simply, where a lawyer offers a consideration to a witness in exchange for any kind of testimony, would you say that violates a lawyer's ethics?

THE COURT: I think the witness has answered, Mr. Lloyd. I think he's drawn a distinction between testimony and information. Objection sustained.

MR. LLOYD: May I be heard?

At Side Bar:

MR. LLOYD: He said there's a difference. I'm just trying to get him to say what's unethical. He said there's a difference.

THE COURT: He's not an expert on ethics. [659] He's an expert on law. I think that's all you can get from him.

MR. LLOYD: Can I ask him whether it's legal to offer something in exchange for testimony?

MR. CREIGHTON: He already did answer that.

MR. LLOYD: No, he didn't. Said there was a difference.

THE COURT: Alright, that question you may ask. Before the Jury:

By Mr. Lloyd:

Q. Sir, in your opinion, is it legal for a lawyer to offer a witness some consideration in exchange for testimony?

A. Yes, if it's true and if it's known, I mean it's something to be considered in weighing the credibility, but it's done every day.

* * *

[TESTIMONY OF HENRY MASANA]

* * *

[668] Q. Mr. Masana, at the time that the Grand Jury indicted Mr. New, four days before the election, do you recall whether there was a statement issued by the Prosecuting Attorney's Office clearing Judge Dolan and anyone else connected with the court?

A. That is correct.

Q. Directing your attention, sir, to the, I think it was the first week of October of 1983, did you have occasion to meet or, excuse me, that would be the last week of October, 1983, did you have occasion to meet with Alice Thompson?

A. Yes.

Q. Did you know her before?

A. No.

Q. Would you tell the jury how she came to you and what you did?

[669] A. Some time in the early part of October, I got a call from Matt Crehan, who is an attorney in Hamilton and does the same kind of work that I do. He said that a person that he had represented on one

occasion had called him and wanted to talk to the attorney who was representing Mr. New and she thought that he did. He told her that he did not. He got her phone number and he says that he thought that I was representing Mr. New. In fact he knew that I was representing Mr. New.

He then called me, told me that she was trying to get in touch with the attorney that represented Mr. New and I contacted her, using that phone number and I set up a time when she should come to my office because she was anxious to talk.

Q. Did she talk?

A. She did come, on October thirteenth and I set it up for a definite appointment for her to come and because Mr. Crehan had represented her on a prior occasion, I advised him to come and he did come. The three of us was there and she came to my office and we were in the law library there.

Q. Did you then, subsequent to that meeting with Alice Thompson, set up a meeting with the Journal News for Alice Thompson?

A. Yes, she said—

MR. LLOYD: Objection.

[670] THE COURT: Of course, Mr. Masana, you know better than that. Come on.

A. I did, yes.

Q. Was that at the request Alice Thompson?

A. That was at her request, yes.

Q. Did you in fact set up the meeting?

A. Yes, I did.

Q. How did you do that?

A. I contacted Mr. Blount, who was at the Journal News, whom I know. I went there and I asked him if—that a girl had contacted me and she had said certain things and she said that Mr. Connaughton was using dirty tricks and that she felt she wanted to be interviewed by the paper. I asked Mr. Blount—

. . . .

[674] Q. Okay. You say when you approached Mr. Blount, you told him that Alice said that the dirty tricks were used by Dan Connaughton?

A. That's correct.

Q. That's your phrase?

A. No, no, that's [hers].

Q. You were the one that repeated it to the Journal News?

A. No, she repeated it to the Journal News.

Q. Well, that may be, I'm not arguing with you about that. I'm just trying to get you to verify that that's what you said to the Journal News that she said to you?

A. Let me say this. She said it to me; when I went to the Journal and contacted them, I told them that she said that, and before the interview, she told Mr. Blount that. So that's the sequence of it.

. . . .

[TESTIMONY OF DAVID BERRY]

. . . .

[683] Q. Would you turn to page 187, question 790? Basically, Mr. Berry, aren't you saying that Alice Thompson is not believable?

There was an objection by Mr. Frank at that point.

A. Yeah, I know on the one hand I'm saying Alice is believable in terms of her testimony with regard to Billy New, which she was. I'm saying now Alice Thompson, for whatever reason, managed to construe, fabricate or construct this trip which the Journal News bothered to give full attention to and that's what I'm saying.

Q. Would you go back to page 80, question 354?

About how long did it take then between the time the interview was over and the tape recorders were turned off until the young ladies did leave and were driven home by Joe Cox?

A. I really can't say. I don't know. I think that the Barnes left first, but I really don't know how long they stayed. I don't even remember much about that.

Q. Continuing on the next page, do you have an idea as to whether the Barnes left pretty much right away?

A. I think they probably stayed around for fifteen [684] minutes or so again.

Q. Then do you have a general recollection that after the Barnes left, someone else left?

A. No. The only persons that left were Cox, myself, Martha and Dan and the two girls.

Q. So it would have been then Joe Cox leaving with the two young women sometime thereafter?

A. Right.

Q. Turn to page 84, question 380. In the presence of either Alice Thompson or Patty Stephens, about going south, Florida, condos or Hilton Head—

A. No, I wouldn't be able to say that.

MR. LLOYD: That's not a full sentence.

THE COURT: I'm sorry.

MR. LLOYD: That's not a full question. What was read was not a full question.

THE COURT: Excuse me. Mr. Creighton, you are reading the complete question, I presume.

MR. CREIGHTON: Complete question as reported here.

THE COURT: Read it again, if you will.

MR. CREIGHTON: I'm sorry, Your Honor. Perhaps if I read one or two above it and come down.

Question 378, Is it your recollection, Mr. Berry that at no time did you ever hear any comments, discussions, [685] remarks, even in jest, about—

A. In the presence of the women?

Q. Well, let's break it down.

A. Alright.

Q. In the presence of either Alice Thompson or Patty Stephens about going south, Florida, condos or Hilton Head?

A. No, I wouldn't be able to say that.

Q. Alright. Was there discussion outside their presence of members of the committee going?

A. Sure.

Q. Could you tell us what that was?

A. Well, I don't even know when this all took place.

MR. CREIGHTON: There was an objection. He continued.

A. At one point in time I think Martha and Dan indicated that Bob and Patty Love had offered the use of their home in Hilton Head free of charge which I thought was very generous and nice and we did arrange, in fact, did go to Hilton Head after the election was over with for a vacation.

. . . .

[693] Q. Turn to page 49, please, question 219. Do you recall anything that Dan Connaughton said to Alice Thompson in your presence or that you might have said to Alice in Dan's presence concerning anonymity, like we'll try to shield you like a lawyer would any client or protect you or keep you out of this?

A. I can't recall a specific quote. I can tell you that—I can tell you that in thought, deed and action, that would have been the basis of our—or the perspective and as I said before, only because of concern for her psychological vulnerability, as well as the personal risk she may have been encumbering.

. . . .

[TESTIMONY OF ALICE THOMPSON]

. . . .

[725] Q. Would you state your name for the record, please?

A. Alice Thompson.

Q. Miss Thompson, would you please take the microphone, bend it toward your face and speak in the microphone? It's very difficult to hear in this room. State your address, please.

A. 1194 Shuler Avenue.

- Q. Are you the sister of Patty Stephens?
- A. Yes, I am.
- Q. Who is your mother?
- A. Zella McQueen.
- Q. Miss Thompson, would you relate to the jury your [726] record in Municipal Court in Hamilton, please?
- A. One's for assault and another charge for petty theft.
- Q. Those were convictions, ma'am?
- A. Yes.
- Q. When you met with the Journal News, excuse me, did you meet with the Journal News on or about October 27, 1983, for the purpose of being interviewed by Journal News personnel?
- A. Yes, I was.
- Q. Do you recall that that meeting was in the law office of attorney, Henry Masana?
- A. Yes, it was.
- Q. Was that meeting where you were interviewed voluntary on your part?
- A. Yes.
- Q. Who requested the interview in the first place?
- A. I did.
- Q. What was the purpose of requesting that interview?
- A. I wanted to let the people know in the first place that I wasn't a snitch. You know, that I didn't go forward, that they approached me. I wanted to let them know about the dirty tricks that Dan Connaughton was up to.
- Q. When you say Dan Connaughton, you mean the [727] plaintiff, Dan Connaughton?
- A. Connaughton, excuse me. I have a problem pronouncing the name. Also, I wanted to let them know how he tricked me into letting people hear the tapes. They promised nobody would hear except for Dolan and Billy New.

- Q. Were you present at the meeting—at a meeting, all night meeting, very early morning hours of September 17, 1983 at the Connaughton home?
- A. Yes, I was.
- Q. Mr. Deputy Clerk, would you please bring up the Joint Exhibit I, the November one article that's in two pieces?
- MR. CREIGHTON: Your Honor, may I have permission to approach the easel?
- THE COURT: You may, of course.
- Q. Miss Thompson, can you see the exhibit displayed on the easel?
- A. Not clearly.
- THE COURT: Do you want to step down?
- Q. I want to ask you a series of questions concerning what is displayed on the easel. First of all, do you recognize what is on the easel as a copy of an article which was published by the Journal News?
- A. Yes.
- Q. The headline reads, "Bribery Case Witness Claims [728] Jobs, Trips Offered." Were you at the time a bribery case witness?
- A. Yes, I was.
- MR. LLOYD: Objection.
- THE COURT: I'm sorry.
- MR. LLOYD: Objection to that. Calls for legal conclusion.
- THE COURT: If you wish to come to the bench.
- At Side Bar:
- THE COURT: I'm not sure I understand the objection.
- MR. LLOYD: Calls for legal conclusion. He asked her, "Were you a bribery case witness?" It called for her to conclude that it was a bribery case. Calls for her to understand the law.
- THE COURT: Come on, there's no question that she appeared before the Grand Jury, is there? The man was charged with bribery.

MR. LLOYD: She doesn't know what a bribery case is.

THE COURT: Objection overruled:

Before the Jury:

THE COURT: Objection overruled.

MR. CREIGHTON: Miss Court Reporter, I do not know whether that answer was stated or—

[729] (Question and answer read back.)

Q. Now in the first paragraph of this article, and I'm going to summarize so I don't have to read the whole thing, it basically states, that Dan Connaughton offered you and your sister jobs and a trip to Florida in appreciation for your help, you and your sister's help. Does that paragraph accurately state what you told the Journal News in the interview of October 27, 1983?

A. Yes, it does.

Q. Continuing, it states that you were scheduled to testify before the Grand Jury in the Billy Joe New case. Is that also something that you told the Journal News?

A. Yes.

Q. Is that accurate that you did in fact testify in the Grand Jury proceeding?

A. Yes.

Q. The third paragraph it says that you believed that Dan Connaughton used dirty tricks in obtaining your cooperation with his personal investigation. Did you tell the Journal News that?

A. Yes, I did.

Q. Is that the truth?

A. Yes.

Q. Moving to the second column, states that you were interviewed by the Journal News with the understanding that [730] you would not discuss your Grand Jury testimony, in other words, your involvement with Billy Joe New, is that correct?

A. Yes, it was.

Q. Did the Journal News seek to question you on that matter?

A. No.

Q. Then there is a paragraph with two points in it, one and two where it explains why you wanted to talk to the Journal News. First point, to let the people know that you did not snitch. Did you tell the Journal News that?

A. Yes, I did.

Q. Was it true?

A. Yes.

Q. The second point was to reveal the dirty tricks that Connaughton pulled to get her to make a statement. Did you tell the Journal News that?

A. Yes, I did.

Q. Is it true?

A. Yes.

Q. Then goes on to say that you had two other things that bothered you about Connaughton's actions. One, he did not protect your anonymity. Did you tell the Journal News that he had promised to protect your anonymity?

A. Yes.

Q. Were you upset, did you tell the Journal News [731] that you were upset that he did not?

A. Yes.

Q. Number two, he allowed other people to hear tapes of a session. Connaughton and his supporters, of the September 17th meeting I believe that refers to, is that correct?

A. Yes, it is.

Q. Did you tell the Journal News that you were annoyed about him allowing others to hear the tapes?

A. Yes.

Q. Would you tell the jury why you were upset?

A. He promised the night that we went into his house to make the tape, I mean for the meeting, he had these tape recorders getting ready to go on. I asked him what he was up to. He said, "Don't be worried." He said,

"There's nobody else in the room's going to hear the tapes except Billy and Dolan." I said, "What are you talking about?" He said, "Nobody else is going to know your name is involved."

I told him right off the bat I didn't want to go to court or be drug into anything. He said that nobody would hear the tapes except for Judge Dolan and Billy New, that he was going to play them in front of them, show him the evidence he had on them to get them to resign. He would step from the bench, Dolan would step down and then nothing else would be said about it.

[732] Q. I'm going to switch positions, because I want to go to something in the end of the article. Calling your attention to the, I believe it's the fifth column on the second page of this blow-up of the article. Says, Thompson claimed Connaughton had told you that the tapes were to be presented to Dolan. That's Judge Dolan, correct?

A. Yes, it is.

Q. Did you tell the Journal News that?

A. Yes.

Q. Is that true?

A. Uh-huh.

Q. Further, that you told the Journal News that when Dolan did not resign and New was fired, Connaughton became upset and said he was going to file charges. Did you tell the Journal News that?

A. Yes, I did.

Q. Was it true?

A. Yes.

Q. Finally, Thompson said she was angry about the prospect of charges being filed and she said she asked Connaughton for immunity. Did you tell the Journal News that?

A. Yes, I did.

Q. Is that true?

A. Yes.

[733] Q. Was it your impression and did you convey that impression to the Journal News to the effect as stated here in the fifth column that Dan Connaughton hoped to get New and Dolan to resign by playing the tapes to them?

A. Yes, that's what he said.

Q. Is that what you told the Journal News?

A. Yes.

Q. To the best of your recollection, is that what was said by Mr. Connaughton?

A. Yes.

Q. You may resume your seat, please.

Do you recall a discussion at any of the three meetings and a couple telephone calls, excuse me—there was one more point on the article. It states in the article on the first page of it, which now is on the lower side, that you told the Journal News there were three meetings and two telephone calls.

A. Yes.

Q. Is that true?

A. Yes.

Q. At any time during those three meetings and the two telephone calls, did you partake, take part in a discussion wherein the subject of jobs and a restaurant in the place of Walt's Chambers was discussed?

A. Yes.

[734] Q. During those conversations did you learn that a lease on Walt's Chambers, the bar in Mr. Connaughton's building was going to expire?

A. Yes, I did.

Q. From whom did you learn that information?

A. Dan Connaughton.

Q. Turning your attention back to September seventeenth, tell the jury where you went after the meeting.

A. Went home.

Q. Where is home?

A. 1757 Shuler Avenue. It was my mother's home.

Q. Was your mother there?

A. Yes, she was.

Q. Did you have a conversation with your mother upon arriving home?

A. Yes.

Q. Was that immediately upon arriving home?

A. Yes.

Q. Did your sister, Patty Stephens, participate in a discussion with your mother immediately upon arriving home?

A. Yes.

Q. What did you and Patty Stephens tell your mother?

A. We was talking about Dan and Martha's home, what a nice home it was and we also told her, well, Patsy asked Mom if she would keep the kids.

[735] MR. LLOYD: Objection.

THE COURT: Objection sustained.

Q. Miss Thompson, you may not testify as to what your sister said in the conversation, merely what you said.

A. Well, we was talking. We was excited. I was excited, thought we was going to get a trip to Florida. Also told Mom that we was going to get good jobs and we would be taken care of, that we was finally going to get to go somewhere. Get somewhere in life. These people was really going to help us.

MR. CREIGHTON: Your Honor, may we approach the bench?

THE COURT: You may.

At Side Bar:

MR. CREIGHTON: Your Honor, on the issue of whether she can testify about what Patty said, we believe that there are two exceptions to the hearsay rule that apply here. One, we believe that these utterances by these two women were close enough to the event in question, which is the central event of this lawsuit, that they qualify as excited utterances.

Number two, her testimony impeaches the testimony of Patty Stephens, which was given in this courtroom last Tuesday, as to whether she ever told anyone, anyone, that she thought, she, Patty, thought, there were to be jobs and trips [736] as a result of this meeting.

THE COURT: Mr. Lloyd?

MR. LLOYD: These were certainly not excited utterances. I don't know whether it's impeachment or not. I don't remember the question being asked of her whether she ever told anybody. I can't address that. But I certainly think that after getting her home and relating a tale is not an excited utterance. An excited utterance is spontaneous under intense excitement.

THE COURT: My impression had been that she was talking, that there were three people there, her mother as well. Clearly, she cannot relate anything her mother says.

MR. CREIGHTON: No.

THE COURT: If you are limiting her statements to what Miss Stephens said, I would think that is impeachment. That the problem, I suspect, is which of Mrs. Stephens' statements is she going to impeach?

MR. LLOYD: I don't remember the foundation being laid for that, "Did you ever tell anybody?" I don't remember that:

MR. CREIGHTON: We have the transcript.

MR. IRWIN: We were careful to lay the foundation.

THE COURT: If Mr. Creighton says—I don't [737] have any independent recollection, but I'm going to let you do it. I will permit you to elicit testimony from Mrs. Stephens only.

MR. CREIGHTON: Yes, sir.

Before the Jury:

THE COURT: Members of the jury, a question of hearsay has come up from time to time and it is now coming up once again. I explained to you that generally a witness may not testify as to what someone else has said. I pointed out that one exception that came up was

a statement made by a defendant, or in the case of a corporate defendant, someone who is in a position of authority.

There is another exception, a witness may testify as to hearsay, that impeaches another witness's testimony. The term "impeach," for our use, is synonymous with discredit. All too often we think of impeach in terms of a public official, but in terms of evidence, the word impeachment means to discredit. Therefore, a witness may testify as to what another witness said if that statement would tend to impeach that other witness's testimony.

You may proceed.

By Mr. Creighton:

Q. Miss Thompson, going back to that meeting with your mother and Patty Stephens on September 17, where did that take place?

[738] A. In our bathroom.

Q. Why in the bathroom?

A. So when we come in the house, we was talking pretty loud and it was like 5:30, six o'clock in the morning and Mom says, "You are going to wake the kids and your father up. Let's go in the bathroom where we can talk."

Q. During the discussion in the bathroom with your mother and Patty Stephens, what did Patty Stephens say concerning what had occurred at the meeting that you had just come from? I do not want to know and I don't want you to testify about what your mother said. What did your sister, Patty Stephens say in the presence of you and your mother?

A. She told Mom, just like I did, that we was going someplace, that he was going to get something from these people, and she wanted to know if Mom would keep the kids while we went to Florida, because we had had a trip to Florida offered to us.

MR. CREIGHTON: Your Honor, might I have just a minute?

THE COURT: Take your time.

MR. CREIGHTON: Your Honor, we have no further questions of this witness at this time.

THE COURT: Mr. Lloyd, do you wish to inquire?

MR. LLOYD: Would this be an appropriate time—

THE COURT: Come to the bench, please.

[739] At Side Bar:

MR. LLOYD: I anticipated the recess.

THE COURT: No problem. There's only one thing that I'm now going to insist upon, however. I do not wish either side to speak to this witness during the recess, nor may anyone else speak to her.

MR. LLOYD: Don't worry about it.

THE COURT: Ask Steve to come over. Mr. Snyder, I've just instructed the attorneys that no one, neither counsel nor anyone else may speak to this witness during the recess. I'm not quite sure where she can be placed without her having some fear that she's being in custody. The easiest answer that I can think of is perhaps—Patty, the lady Marshal, could she just stand with her during the recess? I want it understood no one may approach her.

Before the Jury:

THE COURT: Members of the jury, we will take our morning recess at this time.

(Court was in recess at 10:25 a.m.)

[740] Before the Jury:

THE COURT: Mr. Lloyd, you may proceed.

CROSS-EXAMINATION

By Mr. Lloyd:

Q. Miss Thompson, the night that you and your sister were taken over to Connaughton's house, now I'm talking about the seventeenth of September, you and she had just gotten off of work at Rink's, had you not?

A. Yes.

Q. When you were interviewed by Miss Long and Mr. Blount of the Journal News, you told them you were unemployed, didn't you?

A. I was at the time I gave the interview.

Q. But you led them to believe you were unemployed at the time you talked to Dan Connaughton, didn't you?

MR. CREIGHTON: Objection.

THE COURT: Overruled.

THE COURT: You may answer.

A. No, not really. They asked—they really never asked me if I was employed and I didn't take that as being fully employed because I had only worked there for two days, two and a half days, excuse me.

Q. Now, the interview you had on the seventeenth of September with Mr. Connaughton and others was arranged by your mother, was it not?

[741] A. I do not know that.

Q. It may have been?

A. When we come home, my mother, Joe Cox and Dave Berry was sitting in the front yard.

Q. Now, did Dan interrogate you at all during that discussion that was held at his home on the seventeenth?

A. Yes, he questioned me.

Q. He did?

A. Yes.

Q. Were tapes made of that meeting?

A. Yes.

Q. Were his questions to you off the tapes?

A. Some was on, some was off.

Q. So his voice was on the-tape, right?

A. Sometimes.

Q. Have you ever heard that tape?

A. No.

Q. Did he ask leading questions of you so that all you could do was give yes or no answers, or was it a pretty open discussion?

A. Sometimes, it was a yes or no. Sometimes it was open discussion.

Q. Do you remember telling Miss Long and Mr. Blount when they interviewed you on October 27 that Dan led you and all you could do was answer yes or no? [742] A. Yes, I did say that.

Q. Do you remember telling them that "You won't hear Dan's voice on the tape?"

A. I said, "You won't hear some of his offers or some of him talking, because he turned the tapes on and off."

Q. Okay. You remember—let me ask you this question. Strike that, would you, please.

When was it during that interview that Dan told you that he wanted to use the tapes to play them for Dolan and New to get them to—to get Dolan to resign so he could get on the bench? At what point during that long discussion did he make that statement, Miss Thompson?

A. When we got there and I seen that there was tape recorders going and he had tape recorders ready to go. I asked him what he was planning on doing. That's when he told me, when we first got there.

Q. Did he turn the tape off and then tell you that?

A. Yes.

Q. In other words, you asked him, "Why are we here? What's this all about?" Then he turned the tape off and answered you, right?

A. No, he was getting the tape recorder set up, him, Martha and Dave.

Q. Well, do you remember telling—let me ask you to do this then. Let me ask you—Sir, would you please [743] hand the witness—I never can remember the name of this. Defendant's Exhibit J.

Would you turn to page 22 of that, please?

A. Do you see where it says A, I guess that's answer, "They started asking me," is that your—is that you? Is that your answer, page 22, the long paragraph? "They started asking me a bunch of questions."

THE COURT: Miss Thompson, do you know what this is?

A. Yes, I seen the front of it.

Q. I'm sorry, maybe I didn't go into it.

THE COURT: You didn't.

Q. This is a transcript of an interview—of the interview that Mr. Blount and Miss Long conducted with you on the twenty-seventh of October, 1983. Do you see that?

A. Uh-huh.

Q. You knew this was being taped, did you not?

A. Yes.

Q. On page 22, do you have 22?

A. Yes.

Q. Did you make that statement, "They started asking me a bunch of questions so I asked Dan Connaughton, I said, 'Let me ask you this.' I said, 'Why are we here?' I said, 'Why are you doing this, you know?' I said, 'That's the whole—what's the whole deal?' Of course, he turned off [744] the tape recorder, and he said, 'I'll tell you the truth.'" Did you make that statement?

A. Yes, I did.

Q. But that isn't the way it happened, is it?

A. Yes, he was getting the tape recorder set up. He was turning them on, he was asking us what our names was, I said, "Wait a minute," and he turned them off. You know, he was getting them set up. Martha hadn't even got hers out of her purse; she was getting hers out of her purse.

Q. Well, so if we play that tape, we wouldn't hear you ask that question?

A. I don't know.

Q. Let me ask you, when you had the meeting with Mr. Blount and Miss Long, do you know what time of the day that started?

A. I couldn't remember.

Q. Do you remember where it was held?

A. Yes.

Q. Where?

A. In Hank Masana's, in his office.

Q. How long were you there—strike that. How long—Did you talk, I've got to ask it this way. Did you have

a discussion with Mr. Masana, Mr. Blount and Miss Long a while before the tape was actually made?

A. It was a few minutes.

[745] Q. Do you remember how long it was you talked to them before they made the tape?

A. No, they was getting set up. They was getting the tape recorder ready.

Q. Did they tell you why they wanted to make the tape?

A. Yes, for their record. I could have a copy. Dan could have a copy. They was going to call Dan and get his side of the story. They had to have it for the record. They asked me if I had any objections to it. I said no.

Q. Do you remember Mr. Blount saying, "Well, Dan won't hear the tape"?

A. No. He said he would.

Q. Would you look at the exhibit, please, the document you were handed a minute ago? Look at the first page. Do you see where it says, Mr. Masana, "First off you had indicated you would give Dan an opportunity to respond to that if that prelude is on there." Do you see that?

A. You've lost me. What page?

Q. Front page, page 1.

A. It's Pam Long talking?

Q. Well, who was talking?

A. If I'm on the right page.

Q. Are you on page one?

A. Yeah.

[746] Q. Front page?

A. Yeah.

Q. Miss Long says, "He's not going to hear the tape. No, that's ours."

A. Okay.

Q. Do you remember that?

A. Okay.

Q. Remember that?

A. Because, like I said, it was for the record.

Q. You remember them saying that?

A. No.

Q. Well, it says here—

THE COURT: Excuse me, Mr. Lloyd. She's answered, she doesn't remember. Go to your next question.

MR. LLOYD: I understand.

Q. Going back to the meeting in Mr. Connaughton's office, excuse me, his home, on the seventeenth, you said you told the Journal News that Mr. Connaughton made a series of promises to you during that discussion?

A. Yes.

Q. Right?

A. Yes.

Q. Now, at what point during the entire discussion did you make these various promises?

A. There were various times, different times in the [747] evening.

Q. Were any of them, were any of those statements made on the tape?

A. No.

Q. Well, you said that he promised you and your sister a trip to Florida, right?

A. Yes.

Q. Now at what time during the evening did he make that promise?

A. I wasn't looking at no watch. I mean it was various times he discussed the trip to Florida.

Q. Did he make various promises and various offers repeatedly through the entire meeting?

A. Yes, I would say it was made on and off.

Q. In other words, okay. Now, tell us all the different things he promised and offered during that evening, please.

A. Well, one was a trip to Florida that him and his family was getting ready to take, it was two weeks in Florida. He told me that they would take us with them, set us up. They had a condominium that we could stay at for two weeks.

Q. In Florida?

A. Yes.

Q. When did he say that, what time during the [748] meeting?

THE COURT: Mr. Lloyd, now, you've been through this and this witness has said that she can't tell you what time. You go to your next question, please.

Q. Do you know what time he said any of these things?

A. Different times in the evening.

THE COURT: You have exhausted that point.

Q. What else was it that you say you told the Journal News he said?

A. He said that he would find us a good job, you know, and see that we was taken care of.

Q. Did he say where he was going to get you the job?

A. He mentioned to Patsy. I was sitting right there, I heard him mention to Patsy that he thought she would be good working in the court.

Q. Did he promise to hire her in the court?

A. He told her he was going to see what he could do.

Q. What kind of job did he promise you?

A. He just told me—he asked me what kind of work I had done before. I told him I've helped out bartending before and I wanted to get away from that kind of thing. He said that he would find me a respectable job.

Q. Was Mr. Cox at that meeting?

A. Please?

[749] Q. Was Mr. Cox there at that meeting?

A. Yes, he picked us up.

Q. He stayed there the whole time?

A. I couldn't tell you exactly if he went in and out. Everybody was getting up and getting drinks and going to the bathroom.

Q. Was Mr. Berry there at the time?

A. Yes.

Q. Were Mr. and Mrs. Barnes there?

A. Yes.

Q. Was Mrs. Connaughton there?

A. Yes.

Q. Were these statements made, that is, these promises, and offers, by Mr. Connaughton made in the presence of those other people?

A. Like I said, everybody was getting up and moving around different times. I don't know exactly who was sitting there when what was said because people would get up, different ones would go to the bathroom, go get softdrinks.

Q. Well, are you saying that, well, I'll ask it this way. Did he say these things in the same tone of voice, in the same voice volume he'd been using with the rest of the discussion?

A. Yes.

Q. He didn't take you aside and out of the hearing [750] of the other people and say these things, did he?

A. No.

Q. So you think that whatever he said you heard that the other people there could probably also have heard, right?

A. Yes.

Q. Have you ever been a patient in the Hughes Psychiatric Hospital?

A. Yes, I have.

Q. Weren't you there for taking an overdose, right?

A. No, not taking an overdose, not in Fort Hamilton, that's Mercy.

Q. Where were you for attempted suicide?

A. Mercy.

Q. Do you remember the day that your name came out in the paper, in the Hamilton Journal? Was that the fifth of October when you were listed as a witness?

A. I couldn't tell you exactly the date, but somewhere around there.

Q. Do you remember what you said to Patty when you saw your name in the Journal as a witness?

A. I said, "I can't believe this. He said our names wouldn't be mentioned."

Q. Well, you got some phone calls that day from people who were alarmed about your name being in the paper, isn't that right?

[751] A. No, that was when my name came out in the Cincinnati Enquirer.

Q. Did you, on either of those occasions, tell your sister that you were going to the newspaper and tell the paper that the reason that you gave this information was because Mr. Connaughton made promises and offers to you?

A. No, it was a few weeks after that.

Q. Whenever, you at least did say that, didn't you?

A. Yes.

Q. And you didn't want people to think you were a narc and a snitch?

A. Yes.

Q. Well, you weren't talking about narcotics, were you, in any of these statements?

A. No.

Q. Why were you afraid someone would think you were a narc? What is a narc?

A. I didn't use the word narc; I said snitch. I didn't want people to think that I went running around telling tales, telling everything I knew on people, you know. I stick to my own business.

Q. In other words, even though you told the truth about people, you didn't want them to know it, right?

A. No the way it made them look. Not the way it made me look. It looked like I went to them and said, "Hey, [752] I know this, I'm going to tell." I wanted them to know the real story.

Q. But before you had the meeting with Mr. Blount and Miss Long in Mr. Masana's, did you speak to Mr. Crehan?

A. Yes, I did.

Q. Who initiated that discussion?

A. I called him.

Q. Why did you call him?

A. I had used him in the past to handle my assault case, so I contacted him and wanted to know how I could go about about telling my story without getting in trouble.

Q. You wanted to tell the newspaper?

A. Yes.

Q. You wanted the newspaper to run a story about why you made your statements to Mr. Connaughton, didn't you?

A. Yes, I wanted them to know the real truth.

Q. You wanted a big enough story so the people in Hamilton that you were concerned about would see it, didn't you?

A. I didn't know how big the story was going to be.

Q. Do you remember at the meeting you had with Mr. Blount and Miss Long whether Mr. Blount promised you that there would be a story?

A. Please?

Q. Did Mr. Blount promise you there would be a [753] story?

A. No. I just gave him my story, you know. They said they was going to check it out and was going to call Dan, see what he had to say.

Q. Well, did you tell Mr. Crehan what you wanted to tell the newspaper?

A. I told—I didn't go in all the details, no.

Q. You knew that Mr. Crehan was a supporter of Judge Dolan, did you not?

A. No, I didn't, not for sure.

Q. Did you know Mr. Masana was?

A. No.

Q. You knew he represented Billy New?

A. Yes.

Q. And did Mr. Masana arrange for you—excuse me, did Mr. Crehan get in touch with Mr. Masana and arrange for you to talk to Mr. Masana?

A. I told Matt Crehan that I wanted to talk to Hank Masana and the newspaper.

Q. You went to see Mr. Masana to talk to him a couple weeks before you had the meeting in his office with Mr. Blount and Miss Long, didn't you?

A. It wasn't a couple weeks.

Q. How long before was it?

A. I believe it was just a few days. I can't [754] remember for sure, but I don't think it was a couple weeks. It just don't seem like it would have been that long.

Q. Do you remember having a dispute with your sister, Patty, the last week after there was an article in the Journal News about her testimony in this case?

A. It really wasn't a dispute. She works at the store below my apartment and my mother had just took a picture down of me and my four sisters that we had made and it was in the store and I went down to the store to get me a pack of cigarettes. She had scribbled her face out of the picture. I told her, I said, "Patty, I paid for that with my own money. You had no right to do that." I said, if you want your face out of it," I said, "here is how you do it." I just ripped the face, the rest out of the picture. I said, "If you want your face out, I will take it out." I walked out of the store.

Q. Does she have a son?

A. Yes, she does.

Q. Did you have a dispute with him?

A. He came out of the store cussing me.

Q. Did you pull a handgun and point it at him?

A. No, I didn't.

MR. LLOYD: May I have a minute, Your Honor?

Q. You mentioned or you told us that on the seventeenth of September, '83, Dan Connaughton promised you [755] trips, you and your sister a trip to Florida and jobs. Did he promise anything else to either of you on that occasion?

A. There was talk about the restaurant then. There was talk about the restaurant in the other meetings too.

Q. Was a promise of any kind made with reference to a restaurant?

A. Victory dinner at the Maisonnnette. I believe that was the second meeting, the day we went to Bob Evans.

Q. I'm really thinking, I'm trying to find out all the things that you claim he promised you the night of the seventeenth.

A. Trip to Florida, job, our names would not be mentioned.

Q. He didn't say, "I'll try to keep your names out of it," did he?

A. No, he promised me that my name would not come out.

Q. That was a flat-out promise?

A. Yes.

Q. And he said that he was going—Well, I don't want to ask an argumentative question, but did you consider that if the tapes were played for Judge Dolan, your name probable would come out?

A. No, like he said, Judge Dolan and Billy New was the only one he was going to play it for. And he said, I [756] said, "Dolan is going to hear." He said "Surely, Dolan ain't going to let nobody else hear them."

Q. You told the Journal News he was talking about blackmail, didn't you?

A. That's what I considered it. That's my own opinion.

* * *

[TESTIMONY OF ZELLA McQUEEN]

* * *

[757] Are you the mother of Alice Thompson and Patty Stephens?

A. Yes, I am.

Q. Do you recall a time in September of 1983 when your daughters returned home early in the morning from a meeting at the Connaughton home?

A. Yes, I do.

Q. Can you tell the jurors in your own words what happened when they came home?

A. They came in and it was early morning, and they were all excited and talking and I asked them to be quiet, that they would wake up the rest of the house. We decided we would go in the bathroom where we could shut the door and talk. We went in there. They was discussing everything about being over to Mr. and Mrs. Connaughton's house, and about the things that was said and everything. They were real excited just like if they were opening Christmas, they were so excited about everything that was said about trips and jobs and about all the stuff going on.

[758] Q. Let me ask you what your daughter, Patsy Stephens, said to you in the bathroom that morning. Did she tell you anything about a trip somewhere south, to Florida?

A. Yes, she did. She said that she and Alice had been offered a trip and would I help take care of the children. They would make it worth my while if I would help them take care of the kids.

Q. Which kids are these?

A. Alice's little girl and Patsy's son and daughter.

Q. Can you tell me whether Patsy told you anything that night about any jobs that were in the offing for her and Alice?

A. She said that Mr. and Mrs. Connaughton said that they would take and help them get a good job, because

they was speaking about they didn't have a good job and they would help them get a good job. They would also help me get one.

Q. What did Patsy say about a job for you?

A. Patsy said that Mrs. Connaughton said that she would open some kind of a little restaurant or something up and that they would put me in there and that it would be a lot easier than the work I was doing.

Q. Did Patsy tell you anything about her name not being used by the Connaughtons?

A. They told me that Mr. and Mrs. Connaughton said that their names would not be used, that no one would know [759] that they was making contact with them. That their names would not be used, yes.

Q. Did they say anything about the possible—did Patsy Stephens say anything about a possible resignation of Judge Dolan?

A. They said that, yes, Patsy said that they was hoping to get Mr. Dolan to resign before the election time so Mr. Connaughton could go on in to the bench, uh-huh.

Q. Did anyone, prior to that time, had anyone else told you anything about getting Judge Dolan to resign?

A. Mrs. Connaughton said to me over there that day at my house, she said something about, "We are going to take and try to get the—"

MR. LLOYD: Objection.

THE COURT: Objection sustained. I don't believe the conversation with Mrs. Connaughton is admissible. You may proceed.

Q. Let me go to another subject, Mrs. McQueen. Would you please hand the witness the Joint Exhibit I, the November article?

Do you recall that article being published in the Journal News, Mrs. McQueen?

A. Yes, I do.

Q. Did that article accurately report the substance of what your daughters told you that morning?

[760] A. Certainly does.

Q. To your knowledge, had your daug. Thompson, ever changed or contradicted her claim were reported by the Journal News in that article?

A. No, she hasn't. She said, "This is true," and I believe it was because everything she said in here was what she had discussed it with me.

Q. Now, Mrs. McQueen, after this article came out has your daughter, Patty Stephens, ever told you that she agreed with the statements that Alice Thompson made to the Journal News?

A. She said, "Read it first," but then after it came out, she says, "I cannot do Connaughtons like this." She said, "They are too good a people and I'm going to stand beside them, Alice. You can say what you want to, but I'm going to stand for them." After—but she did agree to this when Alice said she was going to go and have it brought out at that time.

MR. IRWIN: Thank you, Mrs. McQueen. I have no further questions of this witness at this time.

THE COURT: Mr. Lloyd, do you wish to inquire?

CROSS-EXAMINATION

By Mr. Lloyd:

Q. Is your name McQueen or Breedlove?

A. McQueen. At that time it was Breedlove.

[761] Q. Are you referred to in the article as Mrs. Breedlove?

A. Yes, at that time I was Mrs. Breedlove.

Q. You divorced Mr. Breedlove?

A. Yes.

Q. Are you saying that when your two daughters returned home on the morning of the seventeenth, you were talking about all these things including a restaurant?

A. Yes, I am.

Q. They told you that the Connaughtons promised to establish a restaurant?

A. The one that's up there by his office, yes.

Q. And you were going to work there?

A. I was, the girls told me they were going to let me have the job, yes, that Martha and Dan, Martha was going to let me have the job, yes.

Q. Were they going to name the restaurant for you?

A. The girls says, "We think we will take," they said, "We think we'll name it," yes.

Q. You are sure that that all was said to you the morning of the seventeenth when they returned home from the Connaughtons?

A. They were all excited, yes, the words was said and the girls repeated everything that was put out here to me, yes.

[762] MR. LLOYD: Excuse me a minute.

Q. They also told you then they were promised by the Connaughtons a victory celebration at the Maisonnette?

A. Definitely, yes.

Q. That morning?

A. They told me that morning when they came home, said they discussed it and all of this was brought up that very day, but they had talked to Mr. Connaughton afterwards too about things, but at that particular time, they brought all this out, yes.

* * * * *

[TESTIMONY OF JAMES SCHMITZ]

* * * * *

[763] Q. Were you—did you have your position as the head of the detective department of the Hamilton Police Department in September and October of 1983?

A. Yes, I did.

Q. Can you tell me whether you had a role in the Billy New investigation?

A. Yes, I did.

Q. What was your role?

A. On September twenty-eighth in the morning, I received a written complaint—

Q. Let me just interrupt you for a moment. I want [764] to just do this in sequence. First of all, Mr. Schmitz, who was in charge of that investigation of Billy New?

A. I was in charge of the investigation from the Detective Bureau.

Q. Let me ask you if you were present at the time that Alice Thompson was interviewed by the police?

A. Yes, I was.

Q. Were you present at any time while Patsy Stephens was interviewed?

A. Yes, I interviewed Patsy Stephens.

Q. Were you able to verify the things that Alice Thompson told the police?

A. Yes, everything that Alice Thompson told the officers was verified. I verified it in Municipal Court and with two other witnesses.

Q. Were you able to verify the things that Patsy Stephens told the police?

MR. LLOYD: Objection.

[765] At Side Bar:

THE COURT: "Are you able to verify what Patsy Stephens told the police?" That's the question?

MR. LLOYD: About what, about Dan Connaughton or some issue in this case is one thing, but generally, no, I think it's inadmissible.

MR. IRWIN: Goes to credibility. It may be repetitious in light of this morning's performance.

THE COURT: Objection overruled.

MR. LLOYD: Are you sustaining it?

THE COURT: Overruled.

Before the Jury:

THE COURT: Objection overruled.

(Question read back.)

A. Yes, from the names that she supplied me with, I was able to verify the information that she gave me.

Q. Was there any information that she gave you that you couldn't verify?

A. There were some people we were unable to contact or some people refused to talk to us.

Q. All right. Did you find Alice Thompson to be believable?

A. Yes, I did.

Q. Did you find her to be unbalanced in any way?

MR. LLOYD: Objection, Your Honor.

[766] THE COURT: Overruled.

A. No, I did not.

Q. Now, you mentioned that you were present when Alice Thompson was interviewed. Can you tell me whether you recall her telling the police about her meeting at the Connaughton home and about jobs and trips being offered to her and her sister?

A. I heard her say to the two interrogating officers, mention of employment in a store or a shop that was to open on Court Street and also she mentioned a trip to Florida and the investigating officers advised her that they weren't interested in those things, just in the criminal activity. But I overheard those things mentioned in the general conversation. I was present some of the time. Some of the time I was sitting just outside the room at a desk.

Q. All right, sir. During the period of September, October and November of 1983, in the course of your duties, would you have occasion to see Mr. Blount with any frequency?

A. Yes, normally I had to go to a meeting on Wednesday at noon. I would see Mr. Blount there. Also during that period, I remember there was—he was in the Hamilton Police Department and I seen him on occasions sev-

eral times a week. We do discuss just general information.

Q. Do you remember any general discussion with Mr. [767] Blount regarding the Billy New investigation and the witnesses in the Billy New investigation?

A. No, I can't remember if any specific information was given to him or not by myself because there were, just after Billy New was arrested, there were just too many reporters who had called and inquired that I have no way of knowing who asked what or when.

Q. Let me direct your attention to the Billy New investigation. How was that initiated? What was the first thing that was done that began that investigation?

A. On September 28 in the morning when I reported for duty, I was given a written complaint by Lt. Reid, which had the signature of Dan Connaughton at the bottom. It was dated September 27, 1983. It was passed down through the Safety Director's office to us.

Q. What is that called again in?

A. It was a written formal complaint.

Q. Did you follow up on that complaint?

A. Yes, with the information stating on the complaint about the operation of the Hamilton Municipal Court, Billy New, Director of Court Services and Judge Dolan, I contacted Dan Connaughton at his office on that morning and asked for an appointment to talk with him. Sergeant Noes and myself walked over to Dan Connaughton's office. We arrived there at 11:24 a.m., met Dan Connaughton and we wanted to get [768] some background information on what he had obtained to make him file this complaint.

Q. Did you ask Mr. Connaughton about his motive in filing the complaint?

A. Yes. I was talking with Dan and he was giving me information. One question I asked him, I says, "Dan did you have any prior, any knowledge of this wrongdoing in Hamilton Municipal Court and Billy New's activity prior to your running for election?" He said yes,

he had heard the rumors, he had heard the allegations from several other attorneys. In fact, he said several attorneys had come to him and complained that they are losing business because Billy New was taking clients away from them in his operation.

I then asked Dan, "Dan, would you, had you not been running for judge, would you have made us aware of this complaint or taken some action?" He kind of grinned. He says, "I probably would not have." I then asked Dan another question, I said, "Dan, since you are running for judge, what are you concerned with? Are you concerned with the citizens, the operation of the Hamilton Municipal Court, or winning the judgeship?" With that, he said, "My answer is in the last paragraph of my complaint, and on second thought, to your other question, after thinking about it, yes, I would have taken some follow-up action."

The last paragraph of the complaint reads, "As an [769] officer of the court, I am compelled to report this activity."

Q. Did you put into your official report both Mr. Connaughton's first statement about his motivation and then his later retraction in that interview?

A. Yes, I did.

* * * * *

[TESTIMONY OF JAMES S. IRWIN]

* * * * *

[792-A] Q. Do you know the plaintiff, Dan Connaughton?

A. Yes, sir.

Q. How long?

A. Well, I've known Dan Connaughton most of his life. His father is a lawyer. His brother is a lawyer. I know the whole family. I guess I've known Dan fifteen or twenty years.

Q. Have you had any cases against Mr. Connaughton or with him?

A. No, sir.

Q. Does your practice of law often call for you to face Mr. Connaughton or his law office in cases?

A. No, sir. My practice does not coincide with the various specialty interests that Mr. Connaughton has.

Q. Do you have any personal friendship with or personal animosity against Dan Connaughton?

A. I would say I have a personal friendship with him. We were on the lawyer's baseball team together for a number of years. I was a pitcher and he was a hitter and a good one, and I have a lot of friendship for him, but it's, again, professional. We don't visit in each other's homes.

Q. Directing your attention now, sir, to Alice Thompson and the Alice Thompson and Dan Connaughton interviews. Could you tell us what your first awareness was [793] of the story that ended up being published, the November one story?

A. My first awareness was about a week before the article was published. I was in the editorial room of the newspaper, across the street from my law office, main office in Hamilton on a totally another matter. There were lots of things going on in the various fifty or sixty elections, and other news articles—we were over in the office there for legal advice and while I was conferring with the managing editor, Bob Walker. Jim Blount, the editorial director came up and advised us that the newspaper had just then been contacted by a woman named Alice Thompson, who wanted to talk with the newspaper and tell her side of the story as to how she became involved as a bribery witness in the complaint initiated by Dan Connaughton. That was my first awareness.

Q. Did you know Alice Thompson before that time?

A. Never heard the name before.

Q. What did you do after you heard this information from Mr. Blount?

A. Well, the next request I had, well, I didn't do anything that day. The next day or so, I was asked, I believe by Jim Blount, to go to the court records and to check to see whether there were any convictions for any crimes against Alice Thompson and I believe the name Patty Stephens was given to me also.

[794] Q. What did you find?

A. I went to the court records and I found that there were two misdemeanor convictions against Alice Thompson and I think some older court—

THE COURT: Ladies and gentlemen, offenses are divided generally into two categories, misdemeanors and felonies. For our purposes, the division has to do with sentencings. Sentences of a year or more generally are felonies. Those with sentences of less than a year are generally misdemeanors.

Q. The misdemeanor convictions for Alice, as I recall, was some kind of a petty theft or shoplifting and some type of like an assault and battery, family domestic thing. I reported that to the newspaper.

Q. Did the newspaper ask you to—for your advice on any other matters?

A. Well, yes.

Q. At that time before the publication of the article now we are speaking.

A. I was asked, I think next, which would probably be the Thursday or Friday before the publication, which was on Tuesday, I was asked whether the inclusion of a private citizen in an article would maybe constitute an invasion of privacy and what are their rights as against the candidate's rights.

[795] Q. Did you understand who the private citizens were?

A. I had been generally—let me start over. It had been generally related to me that the interview by—with Alice Thompson had now taken place and that there was

a meeting involving Mr. Connaughton and some of his close supporters, two women, and then some neighbors, I think Barnes, who were otherwise uninvolved in the campaign and so I was generally aware of that. I advised the newspaper.

Q. What did you do next with respect to this story?

A. The next contact I had was on the Monday, October 31st, I was advised that an interview had been set up with Mr. Connaughton to try to confirm what the claims of Alice Thompson and that the newspaper office was taking other measures to try to check out the story to see whether the claims had enough legitimacy to print. I was also asked to keep Tuesday morning, November first, open on my book.

Q. Were you later advised to the effect that they did want you to come in and look at the November first article or a draft of the same?

A. Yes, sir, I was.

Q. What did you do?

A. On Tuesday morning, November first, I was summoned to the publisher's office, Mr. Joseph Cocozzo, and I conducted what is known in our field as a pre-publication legal review, that is, a review of the article before it's [796] published, to render legal advice to the client.

Q. Did you do that?

A. Yes, sir.

Q. Would you tell the jury how you did it? In other words, what you did to conduct such a review?

A. In the publisher's office, the publisher, the editorial director, Mr. Blount, at times, the managing editor, were all available to me and I was present and there was a kind of like a galley sheet with the entire story printed out and I reviewed it carefully.

Q. Let me interrupt you for a second. I apologize. A galley sheet, would you tell the jury what that is, as opposed to the article that was finally published?

A. In a newspaper, it's published in columns that fit a certain area, but when it comes out of the machine

where they type it in, it's almost like a long roll of tissue paper and it's printed out. That's what I reviewed and that's what I referred to as a galley sheet.

Q. Continue with your answer as to what you did.

A. I reviewed it line-by-line, asked a lot of questions.

Q. Who did you ask questions of?

A. Primarily, Jim Blount with whom I have worked for fifteen years in the field.

* * *

[801] Q. Did you satisfy yourself that the interview of Dan Connaughton was faithfully, truthfully being reported to you by Mr. Blount?

A. Well, I had to rely on what Mr. Blount said that it was accurate.

Q. Did you have any reason to disbelieve anything that Mr. Blount said to you?

A. No, sir.

Q. Sir, if Dan Connaughton had not confirmed the facts of the meetings with Alice Thompson, and confirmed that discussions of jobs and trips had taken place as reported in the article, would you have rendered the same legal advice?

A. No, I would have advised that I would not approve it from the legal point of view, if Mr. Connaughton had not confirmed the facts of the story.

Q. Would it be fair to say then that Mr. Connaughton's own confirmation—

MR. LLOYD: Objection, form of the question.

THE COURT: Sustained as to form.

Q. What if anything was the most important factor in [802] your rendering the advice that you did to the Journal News?

A. That Alice Thompson's claims seemed to make sense and that Dan Connaughton's interview confirmed all those basic facts, leaving only a question of interpretation for the readers of the article.

Q. Now, sir, did your analysis and your legal advice on this matter include a review of the headline?

A. It did not.

Q. You are familiar with the headline as it finally came out, are you not?

A. Well, there are really two headlines. One on the front page and one on the break page and I'm familiar with them, yes, sir.

Q. Would you have rendered the same advice if you had seen the headline that is there?

A. Yes, sir.

Q. Why is that?

A. Well, the headline is completely accurate. "Bribery case witness claims jobs, trips offered." The bribery case witness, of course, Alice Thompson was a bribery case witness, "claims jobs and trips were offered." So I thought it was accurate and I think it is accurate and I would have rendered the same advice. The headline on the break page is, "Connaughton supporters sought information," and that also appeared to be accurate.

* * *

[806] Q. The things said about Mr. Connaughton in that article if said about you, do you believe that that would have the potential to harm you professionally?

A. Yes, sir.

Q. So, the potential goes far beyond that of hurting someone's feelings. It goes to actually harming someone's professional reputation, doesn't it?

A. Set in the professional context, yes, sir.

Q. When you had your meeting with these folks at the Journal News about this article, you say you went over it line-by-line. Did you ask the author of the article or anyone else whether Alice Thompson used the precise phrases, "in appreciation of," and "dirty politics," or put it in quotation marks in the article.

A. My only recollection, Mr. Lloyd, the term, "dirty tricks." I don't recall any discussion about, "in appreciation for."

Q. You say that you didn't hear—read the transcript of the Connaughton interview, because it wasn't available, is that right?

A. I didn't ask and I didn't read it. I believed that it was not available, sir.

[807] Q. But you didn't inquire?

A. No, sir.

Q. Wouldn't you think that that would be an important thing to do, to verify what the article said he said is what he actually said?

A. I just relied on Mr. Blount that that was reported was accurate.

Q. Now, did anyone tell you that a tape was made, and a transcript was made of the interview that Mr. Blount and Miss Long conducted with Alice Thompson?

A. A transcript was made?

Q. Yes.

A. No, sir.

Q. Did you ask, "Can I see any record of your discussions with Alice Thompson?"

A. No, I didn't ask.

Q. Wouldn't it have been a good thing to check to see whether they were reporting her accurately, to read such a tape, transcript of what existed?

A. Mr. Lloyd, I'm a little bit confused. The interview with Alice Thompson with the Journal News you are saying?

Q. Yes, with Mr. Blount and Miss Long. Did you know that that article had been put on tape?

A. I did know that it was taped, yes, sir.

[808] Q. Was the transcript available for you?

A. I don't believe so. I didn't ask.

Q. Did you ask to hear the tape?

A. No, sir.

Q. Well, did it not occur to you at the time you had the meeting on the first, pre-publication meeting, that

Alice Thompson's credibility was one of the key factors that should be determined?

A. Yes, I thought Alice Thompson's credibility was an important factor.

Q. Did it not occur to you that one of the best ways to check on her credibility would be to read or listen to the tape of the interview?

A. No, sir.

Q. Now, what was your information so far as whether anyone at the Journal News had contacted Patty Stephens to see whether she verified what Alice Thompson said?

A. It's my understanding that there had been no contact with Patty Stephens before the publication, that she was supposed to get in contact with the Journal, and for some reason or another, it didn't occur.

* * * *

[817] Q. You thought, I take it, that this was probably a matter of misinterpretation on the part of Miss Thompson, is that right?

[818] A. I thought it was a difference of interpretation between Dan Connaughton and Alice Thompson and that, in a sense, both of them were telling the truth as they saw it. There's a difference of interpretation.

Q. You thought that Miss Thompson misinterpreted Mr. Connaughton's comments and discussions about jobs and trips, didn't you, sir?

A. I think there's a difference of interpretation.

Q. Well—

A. They both interpreted the same thing in different ways is what I mean.

Q. Do you remember when I took your deposition—would you hand the witness his deposition, please?

A. This is the one in September of '84?

Q. Yes, at my office in Cincinnati?

A. Yes, sir.

Q. You were I think represented by Mr. Creighton at that time?

A. Yes, sir.

Q. Would you turn to page 41 of that deposition transcript, please?

See my question to you, first question that appears at the top of page 41? Do you have that?

A. Yes, sir.

Q. See that question? Did I ask you this? "You [819] weren't told at that time that Dan Connaughton flat denied he made any offers or inducements to either one of those women?" I asked you that question, didn't I?

A. I have no distinct recollection, but it's here and I'm sure you did.

Q. Did you give this answer? "I was told as we went over this line-by-line that Dan Connaughton did deny making any offers and that she misinterpreted his comments and discussions about the jobs and trips."

A. Yes, sir.

Q. And you also believed, did you not, sir, that at the time of publication of the article, the article drew no conclusion as to what was interpreted?

A. The article drew no conclusion as to whether her claims were right or Dan's responses were right, that's correct.

Q. The Journal News, by that, I include the author of the article, Miss Long, Mr. Blount, the publisher, Mr. Cocozzo, and you, the lawyer, didn't know whether she interpreted this right or wrong, did you?

A. I have no way of knowing in her own mind what she was thinking.

Q. For all you know, she might have mistakenly interpreted what was said, right?

A. They might have, yes, sir, I guess.

* * *

* * *

[824] By Mr. Creighton:

Q. Would you turn to your deposition at page 43 at the bottom, line X, which I believe begins with the answer that Mr. Lloyd just asked you to read a very small part of, from line D on page 45. I would like you to read to the jury Mr. Lloyd's question at the bottom of page 43, or I'll read [825] it. Okay, line W, question by Mr. Lloyd, "And these other people were there?"¹ Your answer, began on line X. I would like you to read the entire answer that you gave.

A. "And he confirmed that there was discussion with her about the possibility of opening up a restaurant or some kind of a business establishment in a building which he partly owned and he would eliminate the bar that was there, once the lease was up in September of '84, as I recall, being advised, and in the context of a young woman, I think twenty-one or twenty-two, who was unemployed or at least marginally employed, and whose family had been in the restaurant business, he confirmed all those things and the thought came, why would he talk with her about these things? I knew, as a lawyer, that, in fact, he did have an ownership interest in that building, and I knew that there was a bar there. I thought, well, how would they know that if he didn't tell her?

"He confirmed that he told her these things and he confirmed that there was discussions about maybe going to Hilton Head or Florida or going south, and he said, 'We did talk about that and we did talk about the Maisonnette or a nice restaurant.'

"This young lady, as I was given to believe, is just barely hanging on the economic margin of society, being driven up to her home in his Mercedes or his Buick to a [826] hundred thousand dollar plus home, she said he talked to her about these things. She thought he was

offering her something. He confirmed all that. He said, quote, she misinterpreted it, close quote.

"Well, I think that they were both maybe thought they were telling the truth. I'm sure Dan, as a very smart, educated lawyer and a friend of mine, wouldn't come out to some young girl in the midst of a heated election contest and offer something directly, and he was telling the truth there. And I could also see how he confirmed that we talked about these things, under these circumstances, Alice Thompson could very well have the opinion that there is something in it for me, if I continue to cooperate. All that was confirmed.

Q. Why did you conclude that Patty Stephens' interview and comments were unnecessary—were not necessary before the publication of this article?

A. Well, because in my opinion, in forming my advice, I felt that since the basic facts of the claims had been confirmed, that it was no longer essential to have the denial or the confirmation of Patsy Stephens. It was the claims of Alice Thompson and the responses of Dan, that's what I was thinking.

Q. As to the tapes of September 17, why did you conclude that those tapes—it wasn't necessary for the Journal News to listen to those tapes in full before [827] publishing the article?

A. There's really no dispute among any of the people that you could listen there for three hours to those tapes, or how many, two and a half hours, however many they run and you would hear nothing. Everyone agreed to that. Dan agreed there was nothing on there. Alice agreed there was nothing on there. So why spend the number of hours to listen when everybody agreed there was nothing on there?

* * *

[JURY CHARGE]

* * *

[911] * * * That being the case, all you need concern yourself with are these three elements. Defamatory, false, actual malice. That's all there is to libel. Let me discuss with you each of those concepts very briefly. What is defamatory? A statement is defamatory when taken as a whole it causes injury to a person's reputation or subjects a person to ridicule, hatred, contempt, shame or disgrace or affects such person adversely in a trade or profession. Well, what is false? A publication is false when it's not substantially true. The truth or falsity of a publication is based upon its nature and obvious meaning, taking into consideration the publication as a whole. A publication should be considered substantially true if the actual truth would produce the same impression on the reader as the statement which was made. Finally, what is actual malice? A publication is made with actual malice when made with the knowledge that it is false or with reckless disregard of whether it is false or not. A reckless statement is one made with serious doubt as to the truth of the statement before its publication. Actual malice may not be inferred alone from evidence of personal spite, ill will or intention to injure on the part of the writer. Rather, the focus of inquiry is on the defendant's attitude [912] towards the truth or falsity of the publication. There must be sufficient evidence to permit the conclusion that the defendant, in fact, entertained serious doubts as to the truth of its publication. To review very briefly, there are three elements of libel, defamation, falsity and actual malice. The plaintiff must prove actual malice by clear and convincing evidence. That at the time of the publication the defendant had knowledge that the defamatory material was false or that the defendant acted in reckless disregard of the truth by publishing when defendant had serious doubts whether the defamatory material was false or not. In

deciding whether the defendant published recklessly, you must decide the defendant's state of mind at the time of the publication. Now observe, the element of defamation and falsity need only be proved by a preponderance of the evidence. If you find that plaintiff has established by a preponderance of the evidence that the publication was defamatory and false, and that plaintiff has established by clear and convincing proof that the publication was made with actual malice, then the plaintiff has been libeled. The defendant may not be relieved from liability, therefore, merely by attributing the libel to Alice Thompson or by asserting that it quoted her accurately and completely. Ladies and gentlemen, your verdict must be unanimous. It must reflect the considered judgment of every juror. You [913] must all agree and indicate that agreement on the form of verdict. Do let me point something out. I have given you various rules of law to help you reach a just verdict. Some of them may or may not apply depending upon what you find to be the facts. Simply because I have given instructions does not mean that I'm giving my opinion. I have no opinion as to the facts in this case or which side should win. To assist you members of the jury, there have been two verdict forms prepared and three questions that you should answer. Let's deal with the questions first. Question number one, do you unanimously find by a preponderance of evidence that the publication in question was defamatory towards the plaintiff? And you can check that question yes or no. Two, do you unanimously find by a preponderance of the evidence that the publication in question was false? Yes or no. And third, do you unanimously find by clear and convincing proof that the publication in question was published with actual malice? Yes or no. If you have answered all three questions yes, you're to use verdict form one. If you have answered any question no, you're to use verdict form two. * * *

* * *

[JURY VERDICT]

* * *

[938] THE CLERK: Jury questions, number one, "Do you unanimously find by preponderance of the evidence that the publication in question was defamatory toward the plaintiff?"

"Yes."

Number two, "Do you unanimously find by a preponderance of the evidence that the publication in question was false?"

"Yes."

Number three, "Do you unanimously find by clear and convincing proof that the publication in question was [939] published with actual malice?"

"Yes."

* * *

[TESTIMONY OF MATTHEW CREHAN]

* * *

[1079] Q. Mr. Crehan, why did you, a Republican, choose to support Judge Dolan?

A. Judge Dolan, first of all, there was no Republican running for the position of Municipal Court judge. Judge Dolan was a Democrat and initially he had no competition.

[1080] When Dan decided to run for the Municipal Court bench, Judge Dolan, to avoid a primary fight with Dan, decided to become an independent and I supported him at that time but I had supported him before. Judge Dolan was basically a very, very popular judge in Butler County and Hamilton. He was fair with people, he was honest, his reputation was impeccable. He was—his reputation was one of being a very fair jurist. His reputation among the lawyers was excellent. His reputation among the voting public, I think, was excellent. He was just a good judge, doing a good job.

Q. Did you ever talk with Mr. Connaughton about his chances for winning that election?

A. Yes.

Q. What did you tell him?

A. Well, Dan and I met on at least one occasion but the one that sticks out in my mind is a conversation that he and I had when I met him and I was trying to talk him out of running for the position. I told Dan that I really felt that it was not right that he should take on a sixty-four year old man in his last term of office, basically, and run against him when Dan could probably have this office in five years if he really wanted it.

Q. Why did you say "last term of office?"

A. Judge Dolan could not run again. He was going to [1081] be seventy and in Ohio law you cannot run for judicial office after seventy years of age. Dan's comment was, "Why should I wait five years when I can get it now?" Then our conversation just about stopped.

* * *

[TESTIMONY OF JUDGE DOLAN]

* * *

[1141] Q. Judge, what is it exactly that Billy New was found to have done that was improper?

A. It's my understanding that Billy New was supposed to have taken money and also received certain sexual favors in return for making reports to me. I don't know if you are aware of the make-up of the Municipal Court. With the Court's indulgence, I will explain the Municipal Courts. Our court is unique in that we are in an old Kroger building. It was not designed as a court to begin with. It's a rather pityful court facility. Although, as I say, we handle some twenty-three thousand cases a year and last year around twenty thousand, the facilities, in other words, when I go off the bench, I walk from the bench, I go out the same door that everyone else goes out. I have to walk through the Cashier's Office where people are paying fines. I have to walk past the

Probation Department where people have been paying fines. I go through the Clerk's Office and go down a hall until I finally get to where my chambers are.

This creates a situation where, and the question came up quite often, "How's come you didn't see what's going on?" My job as judge is to hear the cases, to pass sentence and, thereafter, whether that person goes to jail, it's dependent upon reports from Probation Departments, from the clerk and that type of thing.

We do not have a facility for a large Probation [1142] Department who goes out and makes investigations due to the nature of our court, the number of cases going through, the fact that the maximum sentence that I can give is six months and a thousand dollar fine. Most of the fines, I mean, excuse me, most of the sentences range from three or ten days in jail up to maybe six months in jail, the majority of them may be thirty days. The sentences quite often are a hundred and costs and thirty days in jail for a first offender, traditionally.

In fact, almost any of the dockets, you can take the one this morning, in fact—I correct myself—I had two thefts this morning where they pled without an attorney, they received the same thing, one hundred and costs, thirty days in jail. That person is sent to our Probation Department who is in, you might use for example, I use these doors. Just outside that door is the Probation Department, the place I walk through. There they go out, either pay the fine or not. If they pay the fine and make arrangements to pay the fine, then a report comes back in to me, to determine whether I will impose the thirty days jail sentence, get a stay of execution, give them time to pay the fine or suspend it completely. Well, that situation, his job was to have the people when they came out—

* * *

[1148] Q. Judge, let me turn to the question of the Journal News' coverage of this campaign. Did you think

the Journal News was tough on you in any way during the campaign?

A. I thought for a number of years that the Journal News was tough on me, even before the election.

Q. Why, sir?

A. Newspapers can indicate their displeasure in a number of ways. One is by giving you publicity. The other is by giving you silence. For years, everything that came out of the Municipal Courts was reported as the Hamilton Municipal Court; my name was never mentioned.

The ironic or sad part about it, as far as I was concerned, would be that on maybe a page dedicated to court dispositions of the Municipal Court, the area courts and everything else, every other judge's name would be mentioned but mine. Whenever they ran, and let's face it, the driving under the influence is quite a burning social issue at the present time, it has been for the last couple years. Whenever an article was run about the driving under the influence, to have that article, whether I was in any way [1149] contacted about that article or not, they quoted the June Taylor case, and the fact that I suspended the six months jail sentence.

Q. Did they mention you by name?

A. Not by name, but every time that article was done, it was told, there was no question to anyone in our local small community as to who was being referred to as criticized.

Q. How about the Journal News' coverage of the Billy New story? How extensive or intensive was that?

A. I thought they covered it quite extensively and every article referred that he was my court—I appointed him. Instead of going into the facts of the case, every time, they mentioned that I appointed him and referred back to me.

Q. Did you appoint him?

A. I did appoint him, yes, he was a court employee.

Q. The Journal News ultimately endorsed you after the Butler County Grand Jury had cleared you as well as Mr. Connaughton of any impropriety regarding the Billy New event, is that correct, sir?

A. That is hard to answer yes and no, in this respect. The article wherein they gave their endorsements said—they waited until the last—and I think the article began—they normally, they endorse at least a week before [1150] the election, but due to the circumstances herein, they withheld their endorsement while they made more investigations. Then the article proceeded to again tell about Billy New and go through that and said it gave me the edge. But after rehashing the Billy New thing right before election again, I did not feel it was much of an endorsement.

Q. Did you make any effort to use the Journal News?

A. I never quoted the Journal News or anyone therefrom because I was afraid of the Journal News, that their silence, whether they would or would not help me.

Q. Judge Dolan, there has been testimony in this courtroom that the Journal News somehow conspired.

MR. LLOYD: Objection.

THE COURT: Objection sustained.

Q. Was anyone from the Journal News active in any way in your campaign?

A. No. I did put ads in the Journals News though and I gave them news releases, some of which they used and some they did not.

Q. Do you know Mr. Jim Blount?

A. Yes.

Q. Do you socialize with him or his family?

A. No. I'm sorry. I did attend an Appalachian affair several times. He has been at that affair, but it was a paid dinner where there were a lot of people there.

[1151] Q. You've never been to his home for dinner, for example, and he hasn't been to your home for dinner, has he?

A. No.

Q. To your knowledge, did Mr. Blount work in any way for your election?

A. No.

* * *

[1156] Q. Okay. Now, why did Billy New resign?

[1157] A. I asked for his resignation.

Q. Why was that, Judge?

A. The information came to me that he was acquainted with a Patsy Stephens, who was a Patsy Breedlove, who was a Patsy Scheiffer. The information came to me and I asked Mr. New to come to my office. I wanted him there before eight o'clock so I could talk to him before anyone else came in the place. At that time I confronted him with the situation of, "Do you know a Patsy Breedlove or Patsy Stephens or Patsy Scheiffer?" He said yes. I said to him, "How well do you know her?" I said, "Have you seen her anywhere else other than in this courtroom in your official capacity?" He said yes, and I said, "Where was that?" He stated that he was at her home and I said, "At her home?" He says, "Yes, Judge, but nothing would have happened if she had not come to the door in a negligee." I said, "Billy, I do not want to hear anything else. That we cannot tolerate. I'm asking you to resign." He forthwith gave me his resignation.

Q. Well, did you make an investigation of Billy New's activities to determine whether or not it was probably true that he was accepting money to fix cases in your court?

A. That I knew nothing of until it came out in the paper and I saw this article—the letter Mr. Connaughton wrote. The only thing I had heard was he was supposed to be having an affair.

* * *

PLAINTIFF'S EXHIBIT 1

MUNICIPAL COURT RACE WILL HAVE MORE THAN ONE LOSER

EDITOR'S NOTEBOOK

By Jim Blount

There will be more than one loser in the heated Hamilton Municipal Court contest between Judge James H. Dolan and challenger Daniel E. Connaughton.

One person will emerge from the Nov. 8 election as the winner of a six-year term on the court which serves the City of Hamilton and two neighboring townships, Ross and St. Clair.

But in the campaign debris will be more than a dejected candidate and a handful of disappointed campaign workers.

The Dolan-Connaughton battle has been all it was expected to be and more—and there is still more than a week before voters will have to go to the polls to make a choice. A lot could happen in the next eight to nine days.

ACCORDING to our recent observations, most voters consider it a tough decision—and getting tougher.

Last week's array of charges and counter charges probably has taken some votes from Dolan. But it isn't certain if it has boosted Connaughton's prestige.

It is certain, as the verbal firing continues, that more and more people will register their disgust and confusion with both men by refusing to vote for either candidate.

As the heat increases, it also appears most voters want to be sure they will support the most honorable and cleanest candidate, not just the one with the most appealing

face, the most familiar name, the most advertising or the most votes.

As one voter remarked, "I want to be sure that my vote won't be discredited by something that happens after the election is over."

Another said "I don't mind voting for people I know may lose an election, but I resent voting for a person who I later find has been deceitful or dishonest in campaigning."

Both comments came from persons who said they hadn't made a decision on the Hamilton Municipal Court candidates.

COMPLICATING the campaign are the bribery charges pending against Billy New, a former court employee.

Of course, it should be emphasized that New hasn't been tried, and that a person is presumed innocent until proven guilty. It also should be stressed that New hasn't been indicted. In fact, his case hasn't been weighed by a grand jury.

A Butler County grand jury is scheduled to begin hearing the New case Monday—which highlights some of the other potential losers in the Dolan-Connaughton scrap.

Whatever the outcome of the grand jury, more persons are likely to come under suspicion because of the intensity of the judicial campaign and the nearness of the election.

Those potential losers are Butler County prosecutor John Holcomb and the individual members of the grand jury.

Holcomb already has been attacked for (1) delaying the grand jury, (2) moving it up, (3) refusing to handle the New case in a special manner, or (4) all of the above, depending on the policies of the person rating his performance.

Although Holcomb understands that criticism and doubt come with the job, he also is aware that his handling of the case could become an issue in his own reelection campaign next year.

Consider these possibilities, all adverse to Holcomb:

- The grand jury indicts New. In the trial after the election, New is found guilty. If Connaughton loses the election, then later he could claim that Dolan's candidacy was aided by the timing, and that if the case had been expedited that the election outcome would have been different.

- The grand jury indicts New. In the trial after the election, New is acquitted. If Dolan loses, then later he could charge that Connaughton's victory had been because of the frivolous charges against New, which also damaged the judge's reputation. Dolan could argue that he would still be the judge if the matter had been resolved before Nov. 8.

ANOTHER potential loser is the media—especially the *Journal-News* and the *Cincinnati Enquirer*.

Stories on the Dolan-Connaughton fight in the *Enquirer* last week certainly helped to fuel the fire.

But in the process, the motives and credibility of the *Cincinnati* newspaper also are in question.

Some observers are asking how the *Enquirer* can justify the placement of a story critical of Dolan at the top of page one Thursday morning, Oct. 27, two days after U.S. forces participated in the invasion of Grenada, a day after the legality and necessity of the military action was questioned or condemned by some members of Congress and U.S. allies, and while the nation was still angered by the deaths of more than 225 U.S. Marines in a terrorist explosion last Sunday.

Judge Dolan suggested an answer when he charged Jim Delaney, an *Enquirer* editor, with threatening a page one smear Thursday morning if the judge didn't cooperate with the newspaper and its reporter (Karen Garioch), and if the judge didn't cancel a press conference, open to all media, scheduled for Thursday afternoon.

Also surfacing periodically through the campaign has been the unproven suggestion that the Connaughton forces have a wealthy, influential link to *Enquirer* decision-makers.

MEANWHILE, the dilemma facing the *Journal-News* is what to do about an endorsement in the Dolan-Connaughton race.

Should the newspaper play it safe and skip an endorsement for fear that post-election disclosures could embarrass or discredit the newspaper?

Or, should a *Journal-News* editorial simply remind voters, as was mentioned earlier, that everyone is innocent until proven guilty and that, in fact, there are no charges pending against the judge?

But taking a safe, self-serving course would be shirking a responsibility held sacred by this newspaper.

OF COURSE, the big loser—almost regardless of the outcome—is likely to be the court and the entire judicial system.

Connaughton, in seeking election, has raised some interesting questions about the conduct of the court.

And, in defending his six years on the bench, Dolan has countered with some points which, while to his favor, also expose some potential faults in the system.

TO SALVAGE something positive out of this campaign, perhaps there should be a resolve to take a close look at the local system of justice.

This would not be a sensational expose focusing on personalities and politics, but on the system itself.

Instead, it would be a calm probe searching for shortcomings and potential trouble spots in procedures, policies, existing laws, etc., which, regardless of the capabilities of the judges, interfere with justice.

The only question would be: "What changes are necessary if the judicial system is to work with efficiency and with fairness?"

Unfortunately, that can't be done before Tuesday, Nov. 8.

PLAINTIFF'S EXHIBIT 2

The Cincinnati Enquirer—Thursday October 29, 1983

JUDGE'S CLOSED-DOOR CASES
RAISE LEGAL EYEBROWS

BY KAREN GARLOCH
Enquirer Reporter

HAMILTON, Ohio—Hamilton Municipal Court Judge James H. Dolan routinely decides cases behind closed doors, an unorthodox and apparently unconstitutional practice, an *Enquirer* investigation has determined.

Dolan's practice of hearing cases privately figures prominently in bribery charges now pending against Dolan's court administrator, Billy Joe New.

So widespread is the practice of disposing of cases in Dolan's chambers that it frequently results in a line of lawyers waiting outside the judge's office and sometimes delays the start of regular court sessions.

Hamilton Prosecutor Jerry Pater acknowledges that he rarely attends the early morning in-chambers sessions and said it was not at all unusual, prior to New's dismissal, for New to announce in open court that a given case had already been adjudicated when Pater called the case in open court.

THE PRACTICE of disposing of cases in chambers appears to violate the U.S. Constitution, the Ohio Constitution and the Code of Judicial Conduct.

The Sixth Amendment to the U.S. Constitution guarantees a defendant the right to a "speedy and public trial" and that assurance is repeated in the Ohio Constitution. Dolan's practice also is construed by some legal experts to be contrary to Canon 3A(4) of the judicial code of

conduct which prohibits *ex parte* hearings, or hearings which involve only one side.

However, judges and law professors contacted by *The Enquirer* were reluctant to say outright that the practice is unethical, especially because the prosecutor knows and does not object.

As to public trials, a 1980 U.S. Supreme Court opinion, written by U.S. Chief Justice Warren Burger, emphasized the constitutional importance of public trials. Burger's opinion came in the case of *Richmond Newspapers vs. Virginia*.

"People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing," the chief justice wrote. "When a criminal trial is conducted in the open there is at least an opportunity both for understanding the system in general and its workings in a particular case."

THE ENQUIRER was able to research at least three instances where the practice led to abuse.

- In one case, a Hamilton police officer who had nearly been killed by a man he then charged, at the judge's suggestion, with resisting arrest, was not called to testify at the defendant's hearing even though he was told he would be. The hearing was held in the judge's chamber. "I didn't even get to testify in court," said Police Officer Sam Hopkins.

- In another, David Robertson, a Hamilton citizen who signed a warrant for assault against a man who had broken his nose, was never called to testify against the defendant. Robertson's mother, Charlene, said, "David didn't even know until it was all over. We don't know what he was fined."

- In a third case, James D. Smith was found guilty of having a weapon while intoxicated even though he never

had an attorney, never waived an attorney and did not appear before the judge. A relative of Smith's, who attended court with him, said "Billy New came out and said his fine \$250 and \$50 court costs." Later, they learned the fine was really \$50 and \$25 court costs. "We thought we'd been ripped off," the relative said.

DOLAN CANCELLED a scheduled interview with *The Enquirer* Wednesday. Instead, he called a press conference for today at his office to answer questions about the operation of his court.

Previously, Dolan acknowledged that attorneys often complained that New "was practicing law. Maybe I didn't have enough control."

As for holding the in-chambers hearings, Dolan is apparently ignoring a pledge he made during his successful 1977 campaign for judge.

A Dolan newspaper advertisement that year addressed plea bargaining and was headlined "No Backroom Deals." In it, he promised that "no attorney shall be permitted to discuss any case without the prosecutor present."

Among the lawyers who acknowledge disposing of cases in Dolan's chambers is Dan Connaughton, a Hamilton lawyer who is challenging Dolan in the Nov. 8 election.

Connaughton recently brought the complaint that resulted in bribery charges against New, Dolan's former court administrator and clerk. Connaughton is the Democratic candidate, and Dolan, a Democrat, is running as an independent. There is only one municipal judge in Hamilton.

Connaughton's initial objections to Dolan's administration of his court centered on New's conduct. But he acknowledged that he himself was among the lawyers who had participated in the private court sessions on behalf of clients.

WHEN ASKED why he did, Connaughton said, "First and foremost, I had an obligation to represent my client."

He recalled numerous occasions in which he would enter guilty pleas for clients charged with driving under the influence of alcohol (DUI) or drugs.

On other occasions, he said he was able to get DUI charges reduced to charges of reckless operation. All that was done in the judge's chambers, he said, without consulting the prosecutor before or after seeing the judge.

Connaughton said the judge usually would write the disposition of the case jacket (the prosecutor usually does that in open court hearings), and the case would never go to open court.

Although he participated in the practice, Connaughton is now complaining that the "shoddy, pre-trial practice which Judge Dolan instituted and lives by . . . permitted Billy New to get away with what he's doing."

Matthew Crehan, a Hamilton lawyer who routinely handles cases in municipal court and is a Dolan defender, said Dolan's court is one of the busiest in Ohio with 23,000 cases a year and that the judge's policy of disposing of cases in chambers saves time both for the lawyers and for their clients. "He (a defendant) doesn't have to wait around half the morning."

CREHAN said Dolan "works his fanny off" and, by his practice of in-chambers hearings, makes it possible for lawyers to get their cases heard more quickly than in other courts. "We get judgments made. We keep people from shooting each other. If you couldn't hear a case expeditiously, we would have a lot more violence."

When dispositions are made in the judge's chambers, Crehan said, "It's never a situation where there's any kind of a contest on the facts at all." If there is disagreement on the facts or if a reduction in charge is

proposed, Crehan said, "the prosecutor would always be there."

As city prosecutor, Pater arrives for court to find lawyers waiting to see the judge. He is aware that cases are disposed of in chambers, he is almost never present and doesn't object.

"I get down there at 8:25 in the morning, and there are a lot of lawyers waiting to see the judge and plead out their clients," said Pater. "I don't even bother watching because there's too many . . . Yesterday morning (Oct. 18), I don't think we started court 'til 9 o'clock. It took the judge that long (to dispose of the cases that attorneys brought to his chambers.)"

SOMETIMES, PATER said, attorneys consult with him before going to see the judge. Most times they don't.

Pater said it was not unusual for him to call a case in open court and for New to proclaim that it had already been heard. "I wouldn't think a thing about it."

Six years ago, before Dolan was first elected, Pater also served as prosecutor under former Judge Richard Berridge, who refused to dispose of cases except in open court. But Pater said Berridge "was unique in that regard. Other judges do."

Pater said he's never objected to Dolan's practice because he has never had reason to believe that justice had not been served.

"It's not my job to dispose of the cases. If a guy's going to go in and plead out (plead guilty), I don't believe the judge is going to put any different disposition on the case whether I'm there or not . . . He and I have, I'd say the same thinking . . . I know what his feelings are.

"By his hearing the guilty pleas right off the bat, that frees me to do other things. The judge never asked me if it was okay if he did it that way. He's the one that tells me how the court is going to run.

Pater acknowledged that he is not informed of every disposition and doesn't take the time to check the outcome of every case. "We have too many cases here for me to go back every day and check every one of the cases the lawyers have heard with the judge."

JUDGES AND law professors contacted about the practice said it could open the door for possible abuse.

The first of the three cases described above occurred two or three years ago. Police Officer Hopkins said the defendant, James Hibbard, a Hamiltonian, nearly ran over him with his van when Hopkins tried to arrest him on an outstanding warrant. Hibbard was apprehended several days later, but in the meantime Hopkins said he went to municipal court to take out a warrant for felonious assault against Hibbard.

On Dolan's advice, Hopkins said he made the charge resisting arrest. "He told me he would really zing him," Hopkins said. "He said he'd want me to come and testify so it would be on the court record."

However, on the night before Hibbard's case was to be heard, Hopkins said he got a call from a court employee telling him the case had already been heard in chambers. Despite a note on the case that Hopkins should be called, he wasn't.

Hopkins said Hibbard was fined \$50 and costs and sentenced to jail. The jail term was delayed until a later date. "I don't know whether he did his days. I didn't bother to look. You can't do too much," said Hopkins.

IN THE second case, decided on Sept. 15, 1983, Gaven McQueen was found guilty of assault, fined \$30 and court costs and ordered to pay the medical bills for the complainant, David Robertson. The disposition was written on the jacket in Pater's handwriting, indicating that it was heard in open court.

However, Robertson, who took out the warrant on McQueen, was never notified of the hearing.

Robertson's mother, Charlene, said someone from the court called her home after the case was heard. She was glad to have the medical bills paid but questioned why they weren't notified of the hearing.

"David didn't even know until it was over," she said. "We don't know what he (McQueen) was fined."

PLAINTIFF'S EXHIBIT 33

Portion of Transcript of September 17, 1983 Meeting

TAPE 1

M1 Patsy, let's start with you. What was your first experience in Municipal Court? Or how long ago was it that you first went down there? Do you remember? In whatever, for whatever reason, for yourself or Jack?

F1 I'd say about three years ago. Two and a half or three years ago.

M1 Did you ever go down to Municipal Court when you were married to Jack?

F1 Yeah.

M1 Okay, that was between 75 and 77 you were telling me?

F1 Yeah.

M1 Now, was that the time he went in front of Judge Berridge?

F1 He went before Berridge before, but, I'm trying to think. When did Dolan take office?

M January 1, 1977.

F1 Okay, then I'll start with

M '78

F1 Okay, whenever he

F2 Remember, it was after I had — when it all started because remember when we got arrested I was pregnant and they had to throw out the charges because I was under age. I was only 17 and so that was in '78

F1 No, this was before Dolan went (inaudible)

F2 Yeah, you all went before Dolan but that was before you knew any of them.

M1 Before you went down to Municipal Court, you know, after '77, had Jack been in a lot of trouble?

F1 Oh, yeah.

M1 Had Jack been in a lot of trouble before you were married?

F1 Oh, yeah. (inaudible)

M1 Would you tell us a little about it?

F1 About once a month or every three weeks he got picked up on a DUI.

M1 Can you cite some specific instances?

F1 You mean the whereabouts?

M1 Where and what happened, just briefly.

F1 Okay. — one time he hit a car, a parked car, and they took him in that night. The date I can't remember, it happened so often.

M1 Was that when you were married?

F1 Yeah, it was after.

M1 Which court did you go to?

F1 Hamilton Municipal Court.

M1 Do you remember what happened?

F1 Yeah. Jack had me call—this was before Jack knew that I had—suspected that I had talked to Billy on the side and that

M1 Why?

F1 Because I let it slip one time about knowing Billy. My brother got arrested for, what do you call it, not paying child support, and me and my father went there to get him out and that's when I first met Billy. When I first started talking to Billy and Billy told us not to worry that it would be alright, that he would see that my brother didn't go to jail or nothing. So one word led to another and that and then finally he said that anytime you need a favor call me. So, I called him and told him that Jack got picked up on DUI and that if he could take care of it and he said yeah and I think at the time that it cost like a couple hundred dollars.

M1 Was that for fines?

F1 (can't understand)

M1 You gave the money to Billy?

F1 (made sound for yes) Always to Billy.

M1 Okay, now.

F1 He'd always have us come up, you know, before, like at 8:00 in the morning, between 7:00 and 8:00 in the morning, before anybody got in there.

M1 Did he ever show you any paperwork or did he ever show you any

F1 He would just tell me and Jack, most of the time I went up at first, myself and Jack started thinking that me and Billy had something going so Jack started getting in the picture and going up there which was fine with me, but, huh, he would just say, Jack I'm going to write this, you know, I'm going to put this — control or we're going to leave it off the record. Jack went through a lot of DUIs that were never put on his record.

M1 Okay, now, in other words, the two in '81, I guess you weren't married to him in '81

F1 No

M1 He was arrested twice in '81 that we know of. Were you involved in those?

F1 Oh yeah.

M1 Okay, and you say other than, what you're telling me then is that

F1 Jack's had so many DUIs

M1 In Hamilton Municipal Court

F1 Oh yes

M1 That have never gone on the record?

F1 Oh, yeah

M1 Why not? Why didn't they go on the record?

F1 Cause he was paying off this judge and Billy New was paid off.

M1 Now, was anybody else ever present when you went up there with Jack?

F1 No, but Jack's mother knows about it. She's got, you know, she's got it written down in her checkbook and her savings book each time she went and withdrew money and what it was for.

M1 Well, does she go with you on most of these occasions or were there a lot of them

F1 No, she would send me

M1 She would send you?

F1 (Made sound for yes) (inaudible) and she'd be at work or something.

M1 Well, when you say Billy New was there anybody else in the office at the time, where the girls in yet?

F1 No. It would just be Billy and sometimes James Dolan would be there.

M1 But none of the secretaries were in and the prosecutor wasn't in?

F1 No

M1 The court wasn't in session?

F1 No. Like I said it would be between 7:00 and 8:00 in the morning

M1 What did you have to do? Knock on the door?

F1 Yeah. He'd always tell me to either call him to make sure he'd be waiting at the door and knock on the door. He'd usually be standing there waiting (inaudible) money

M1 Okay. And anytime that he came in before, uh, anytime that you went down there before the girls would come in or anything like that, did they ever give you any paperwork for the money you gave him? Did they ever give you a receipt?

F1 No. The only time were receipts were passed out was, uh, Billy would take, uh, like Jack's mom went one time and Jack went a couple times up there and, uh, he would take and give both a little slip of paper or something saying that this is the case number, you know, it does not mean nothing but, you know, just in case something comes back you've got this piece of paper for some of the money but not all of the money.

M1 Okay, so in other words Jack, the times that Jack went up, Jack would give money to Billy New and Billy would give him a receipt for part of the money.

F1 (Made sound for yes—uh huh)

M1 But never the full amount?

F1 Oh no. Never. No, because I'd always ask him, Billy, how much is this going to cost and he'd say, I'll tell you what, if the fine was going to be like \$100-\$150 he'd say anything up to \$300. Because he'd said, you

know, he had to make something because he came in early enough to take care of it, etc., etc.

M1 Did he ever, did Billy New ever, explain to you how he was tampering with the records? Did he ever explain to you how he did that? The procedures?

F1 No, he really didn't. But, I said, you know, I called him lots of time at night and he'd say give me a few minutes—I'd call him at home and I'd say so and so is going to go to court tomorrow, Billy, can you do something for him. And he'd say, well give me a few minutes to get up the courthouse and call me up at the court and I'd call him and he'd pull whoever's record it would be at the time and then he'd say, well have them up here at 8:00 in the morning with such and such money.

M1 Did you ever go with anybody else besides Jack?

F1 Oh yeah.

M1 And this was before the secretaries came in? The same kind of deal?

F1 Oh yeah. The same kind of deal.

M1 Can you give us any names or can you think of

F1 There was Jerry Day. He was for a DUI. There was a, I think his name was, James Smith and he was, it was his second charge of concealed weapon and that. They picked him up the Jackpot, I remember, for having a gun, for borrowing a gun. It was his second offense for concealed weapon and I called Billy and Billy took, he even, even the man couldn't believe it cause it came out in the paper that, like, he was only fined \$50 and the court costs and suspended jail sentence, blah blah this and blah blah that and Billy took, I think, \$300 off of him and he was highly teed off.

M1 Okay, so when you took the man up there he thought that the money he paid was paying the fine so he didn't know the scam.

F1 No. No.

M1 Now, did you ever get any money for that?

F1 No. Billy always told me—he said that if you bring anybody up here you want to charge them more,

let me know ahead of time and he said, I'll quote that price in (inaudible)

M1 But you never took any. You were just doing it as personal favors for your friends.

F1 Yeah. You know, and family. Friends and family.

M1 Were you pretty comfortable with it? I mean, did you, were you ever uneasy about it at all?

F1 Like when it came to family, you know, nobody wants to see their family go to jail or that and I thought, you know, that it was alright, you know, because anybody looks out for their family and like I said, nobody wants to see their family go to jail or that and then, you know, I got fed up with it one day because I thought well, (?) could happen to me, you know, when I got, like I told you, I got busted on that petty theft in Fairfield and when I went to Fairfield court, they liked to throw the book away with me and I said, well shut, this ain't right. You know, all these other people, if you got money you can pay your way out of it. So, right then and there

M1 The petty theft went down to Fairfield? Right?

F1 Yeah, I got busted in Fairfield

M1 and Billy couldn't do anything for you down there, could he?

F1 He was supposed to have gotten hold of the prosecuting attorney and they were supposed to be the best of friends.

M1- You didn't give him any money to help you, though, did you?

F1 No. He never asked me for no money. He just sent me to Jack Garretson. He told me that he would get ahold of Jack Garretson and I said, how much is this going to cost Billy, and he said I'll just give Jack a \$100 to (inaudible—can't understand)

M1 Billy would give Jack \$100 or you would?

F1 No, Billy told me that he'd set it up with Jack and that it would only cost me \$100

M1 Oh, I see

F1 for Jack to represent me

M1 Okay, now, other

F1 *That's who* Billy sent Jack to, I don't know if it was this last DUI, I think, it was Jack Garretson who Billy sent Jack to.

M1 Jack Schriefer?

F1 Yeah. John Schriefer.

M1 John.

F1 I always call him Jack. And then I think his name is Bert Infeld who he sent Jack to because he said they were friends with his And then there was several petty theft charges people that got picked up on petty theft charges and he'd say just bring them up here and bring \$100-\$150-\$200, you know, whatever it might be, (she may have said—you never know what it might be) or ever how much he thought the people could come up with.

M1 Did you, um, how many, on how many occasions do you imagine, just roughly guessing, did you go up there, you know, to take people? Just guessing over, say, the last three years. How many times do you think you went up?

F1 At least fifty

M1 Fifty times before court opened

F1 If not more. It was an everyday ordeal practically. People were calling me from all over. From all over this town.

M1 How did they find out about you? Just from word of mouth?

F1 I guess (laugh). I'd say, hey you know, all I'd do is call Billy New and he'll get you out of it. And I'd call Billy and he'd say bring such and such money up here and I'd take the money and go up there.

M1 Well, now,

F1 And like I said all the, what he would do, like, uh, I'd call him that night and he'd go in and pull the records and he'd say, yeah I can take care of it for you

and none of the people would ever have to go in front of the judge and Judge Dolan would be sitting there and he knew what was going on.

M1 How do you know he knew?

F1 Cause he'd be sitting right there. Billy'd say I'm going to do this

M1 Did Judge Dolan see Billy take the money?

F1 Of course he did.

M1 And the cash registers—he didn't go to a cash register or anything or make any kind of tape on it or

F1 No, because one time Jack's mother went up there, when the fine, well Billy called it the fine, was going to be like \$1500 and Jack's mother took his check up there

M1 Was this last time

F1 and Billy got, No, no. No.

M1 Okay

F1 This is a time when it wasn't even on his record.

M1 Oh. This is one of the cases that never even appeared on his record.

F1 (Sound for yes—uh huh) and Billy got real upset and he said I told you whenever you bring anybody up here make sure they had cash money. He said, now, he says, court people are going to start coming in here, you'll have to wait to take care of this tomorrow. He got real upset because she didn't have the cash money.

M1 Was she with you that time?

F1 She was with me that day. She got real upset. She couldn't understand and I said well, Mom, don't say nothing, I said, cause what it is a payoff deal. I said, you know, he has to deal strictly with cash. So she went and got it

M1 So Helen knew that then. Helen knew how it was being worked?

F1 Of course she did.

M1 What year was that? Do you remember? Was that in

F1 Like I said, it was one time it wasn't on the record, you know, that it didn't show up on the record.

M1 Was it when you were married? Or was it after you were married?

F1 I think it was before we were married, maybe. No, it was after. It had to be after, I guess, cause he didn't come into office until mid 1978. I guess we were, either we were married or moving(?) back and forth, I guess. Because, like this last time when there was almost \$4000 involved I told Jack's mom, I said, you're just going to keep it up. I said each time they're going to go up higher and higher on you cause they know you'll give them the money and I said, you know, I've never heard of anybody paying that much money.

M1 Well, now, the last time Jack went down, he actually did go into court, didn't he? The time he had the drug abuse charge and the obstructing official business/

F1 That was a long time ago

M1 No, that was in '82. This is the one I'm talking about, in March of '82.

F1 He's had one since March of '82, honey.

M1 Oh, he has?

F1 He's had to. Because when he got picked on that charge that he paid down all that money, it was before, I guess, then. I'm trying to think. It was before or after. Because when he got picked up, when she paid all that money this last time, I guess it was the last time, because Jack got upset because that's when Billy and them heard that people were talking that he was scared to give Jack his license.

M1 Now, how do you know that Billy heard that people were talking?

F1 Because Jack, he told Jack to be up there that morning to get his license and then when Jack went up there he told Jack that he's have to wait, that there, that he would send him to Fairfield Court and have a lawyer represent him in the Fairfield Court and that they'd go down there and go before the judge and get his license.

M1 Okay, so Billy told Jack that tape ended and some conversation lost changing from side 1 to side 2

side 2 begins with F1 speaking

F1 (cannot understand what is being said)

M1 Alright Patsy. On these occasions that you went down to the court early in the morning did you always go in the same door?

F1 No.

M1 Okay, would you, what

F1 I would go in different doors. It all depended on which door Billy wanted to go through. Like sometimes we'd go through the first doors — where the prosecuting attorney, where you make out your warrants and that, go into the chambers that way. We'd go straight

M1 When you say, go into the chambers, what do you mean by that?

F1 Go into Judge Dolan's chambers.

M1 You would actually go into Judge Dolan's chambers?

F1 Yeah. I've went into Judge Dolan's chambers

M1 Where he has his desk?

F1 several times. Oh yeah, I've sat at his desk before. (laugh)

M1 When he was in there?

F1 Oh yeah.

M1 And, did you ever transact business in his chambers?

F1 Yes.

M1 Just describe that briefly.

F1 Like, we'd go in and James Dolan would be sitting in his office, or something like this, as Billy must have been in there talking to him before I got there or something. We'd go in and Billy would say, Mr. Dolan, Patsy's up here to take care of this case such and such, I talked to you about it earlier or I talked to you about it last night and James Dolan would always shake his head yes (couple words—can't understand)

M1 Now, these times when you came into Judge Dolan's chambers to discuss the case with Billy, did the person who was actually charged come with you?

F1 No, not when I went in and talked.

M1 Now, did they usually go to the courthouse with you though?

F1 They would go, only some people would go and you know, it's, like, Billy would tell me ahead of time how much it was going to be. Billy would always tell me

M1 Give a few examples of that, if you can think of any.

F1 Okay, like on James, I think his name was James Smith, uh, when he was charged with carrying a concealed weapon and that, like I called Billy New on the telephone and I said, Billy, this guy's in trouble, it's his second time and I said, he doesn't want to go to jail and now how much will it cost and Billy said call me back later and I'll talk it over with Dolan and he called back and he said bring me up \$300 and bring the guy too because he says we got to take and let him know what we're going to put on the record and he said we're going to put down 30 days, I think it was 30 days, or more than that probably, I forget how many days because there's been so many times, suspended and \$50 fine and that's when that guy blew up and his mother did

M1 Who was it that blew up?

F1 The guys mother because he had to get the money off of his mother. He's an older man and he's an electrician but he's a drinker, he drinks a lot. And I told him, I said, you know, this is called a pay-off.

M1 Okay. He knew that before he went down?

F1 (made sound for yes) Because he just didn't want to go to jail.

M1 Okay.

F1 Like you said, he didn't care how much money it was involved, he didn't want to go to jail and so I told Billy, I said he's a friend of mine and Billy said bring him down with \$300.

M1 Now, when you would call Billy with different cases did you usually more or less introduce it by saying, a friend of mine is in trouble?

F1 Oh yeah. I'd call him and say, Billy, this is Pat. He'd say, how ya been, you know, and he'd talk with me and I'd say I need a favor and he'd say, what is it, and I'd say, so and so has done this and they're going to court and they don't want to go to jail. How much would it cost to get them out of it? And he'd either quote me a price right then or have me call him back because he'd say he'd have to go over it with James Dolan.

M Okay, now, Patty, you've told us that you've been into the Judge's chambers by way of going in the front doors of--Municipal Court and then through the other double doors and then the first door that you get to on the left as you walk in there, there is some girls' desks, and eventually leads you back to Billy's offices and you've been in Judge Dolan's chambers that way?

F1 Oh yes.

M Is there another entrance to Judge Dolan's chambers?

F1 Right. You can go in and there's a door that we all that unlocks and you just walk right into his chambers.

M So that we'll know this later, do you mean that as soon as you come in the first outer door from the outside through parking lot as soon as you get in that first outer door the door on the left.

F1 The door on the left.

M And that's locked from the outside and if it is open that's Judge Dolan's chambers

F1 Yeah, because the first time I went up there I was really, you know, really excited and that, and I said, wow, I said, I can't believe I'm in Judge Dolan's chambers like this. He got a big kick out of it cause (name) was sitting there at the time.

M But he would know just about precisely when you were going to be in there.

F1 Oh yeah, I'd either call

M I mean, you would say you were going to be up at 8:00 a.m. sharp

F1 Right and at 8:00 a.m. I'd be there.

M If his door would be locked, would you knock on the door and or would

F1 Sometimes I would knock or, most, 90% of the time, Billy would be standing near waiting for me.

M And, on how many occasions, would you estimate, at 8:00 in the morning and thereabouts on court mornings that you went into Judge Dolan's chambers in that fashion? Roughly, take a guess.

F1 You mean just into Judge Dolan's chambers and not into Billy New's office or do you mean

M Right, just into his chambers. That way, through that door.

F1 Just the one door

M The one that's locked from the outside

F1 I'd say I've been through it at least ten times.

M And of those ten times that you did enter into it that way, how many of those times were Judge Dolan sitting in his chair, would you say?

F1 Over half. I'd say at least five.

M Okay. And, on the occasions he was there, you were there and Billy was there what would be said, if anything regarding what you would be doing there?

F1 Billy would always tell him that I was coming up there on a case and he'd say, remember I talked to you about this case last night or yesterday and Dolan would always say yes.

M And then, in your presence and in the presence of each other, they would then decide what they had decided with the case and someone would mark it up right on the case what they were going to do.

F1 Right. Right. It would be marked right then and there, you know, that the people that were supposed to being to court wouldn't be there and they'd take care of it right then and there

M And then the money that you had agreed to pay previously by talking with Billy, where and when would you pay him that.

F1 Right then and there. I'd just hand it to him. I'd just say, you'd say that was going to be such and such and he'd say yeah honey and I'd just (inaudible—a couple words)

M What I specifically need (or mean) is if you saw them marking on the case or if you (couple words—can't understand)

F1 I'd always give them the money first. They'd always want the money up front. And then they'd mark the case. You know, like

M Okay, but the money was, uh, you know, Billy said that would be \$300 or whatever it was going to be for the (couple words—can't understand)

F1 (Sounds of agreement)

M and at the same time that that was done or shortly thereafter they're marking the case (couple words—can't understand)

F1 (sounds of agreement) right then and there.

M And obviously what I'm saying (can't understand) that there's no doubt in your mind that you were in their presence

F1 Oh, they've *pocketed* (sounds like) the money

M I mean, that they, that Judge Dolan was in a position to know or hear what you had just given Billy

F1 Oh yeah, he knew

M and he likewise knows what was put on the case

F1 He would know because Billy would say, uh, Mr. Dolan we said this would be \$300, we said this would be this much, we said this would be that much. They both knew what was going on. Nothing confidential.

M In any of the times that you were ever in his chambers did it ever turn out that any of the girls came to the office early and they had seen you in there?

F1 No. No.

M When you would leave his chambers on those occasions where you either went in directly through the locked door around did anyone ever see you come out of there, as far as you know?

F1 There was a couple mornings that I'd be late and the girls would be out front or something and Billy would just walk me right back to his office and we'd made transactions right then and there.

M But, so,

F1 As far as anyone seeing me come out of the Judge's chambers, no because it would always be early in the

M But you would be sure in your own mind that at least some of the girls in Hamilton Municipal Court would recognize you by your face very easily.

F1 Oh, Lord, yeah.

M1 Do you know any of those girls by name?

F1 No I don't but I know they know me by being there so much.

M1 You mentioned in the connection with Jack Schrieffer that there were a lot of cases that you took down and made payoffs that never went on the record.

F1 (sound of agreement)

M1 Now, to the best of your recollection, did any of those, were any of those deals, ever made in the Judge Dolan's office?

F1 Yeah, there was one made in Judge Dolan's office.

M1 Where is absolutely didn't even appear on the record?

F1 No

M1 So they didn't, in other words, they didn't mark anything on any file that time?

F1 (sound of agreement)

M1 How did they take care of it, or what was their

F1 Billy told me not to worry about it, that he'd take care of it.

M1 So you just gave him the money and that was it.

F1 Right, that was it.

M1 Was Jack there with you that time?

F1 No. Billy was afraid of Jack because Jack blew up at Billy one time, he said, man, I know what's going on, many, he said uh, you're taking and getting payoffs man, he says, you know, he said, I don't care how much money it costs, you know, I've always come (can't quite make out a couple words, possibly be—through it) before and he says, I know what you're doing Billy. Billy got real upset with Jack.

M1 Why did Jack get mad at Billy?

F1 Because Jack went up there without me trying to make a transaction with Billy and Billy wouldn't do it.

M1 I see, so Jack was trying to make his own deal.

F1 Right, and it wouldn't go over.

M Why do you come to the conclusion that there were times he had DUIs that never appeared on the record? Why do you come to that conclusion?

F1 Because I'd go to jail and get him out with his mother

M No. I know that, but what makes you think that it wasn't marked somewhere in Hamilton Municipal Court records?

F1 Because didn't you say that he only had two DUIs on his record in Hamilton Municipal Court (few words—can't understand) since when?

M He had two in 1981 and I think he has one in 1982 and there may have been some before that, but I mean other than the fact of us telling you what we might know from the record

F1 Well, because the times I went up there I know for a fact

M1 How many times have you gone up with Jack, would you say, since '82, or since '81, pardon me?

F1 Since '81?

M1 Yeah, how many times have you, just with Jack?

F1 Just with Jack alone?

M1 Or on Jack's behalf?

F1 I'd say at least seven or eight times.

M On DUIs?

F1 (sound of agreement) On DUIs. Cause he got two of them in one week's time.

M He got two DUIs in one week's time.

F1 Two DUIs in one week's time.

M Now did his mother go, did you always go down to bail him out or was he actually, was he put in the lockup?

F1 Yeah, he was sitting in the lockup

M And his mother would go down

F1 Yeah, and he'd be allowed one phone call. He'd either call me or his mother and if he called her then she'd call me and she'd say, Pat can you go with me, Jack's in jail again. That's why I can't understand because the police would arrest him, there would be a citation given. If Jack hasn't thrown them away I can bring, I can go down there and I can get them and prove that and I had a couple of his tickets and I hope I still got them, but down in Jack's drawers, Jack's got a stack of tickets you would not believe. And they're the ones for DUIs ran through Municipal Court.

M So,

F1 Cause he got a kick out of it

M To repeat then, you have been since the beginning of '81 to the best of your knowledge, you have been down to Hamilton Municipal Court on at least five or six

F1 Oh, yeah

M different occasions for Jack

F1 For Jack alone

M Okay. Now, did Helen go with you that many times or did

F1 No, any time she knew there was going to be transaction and that, just that one time, she got real upset because she took a check. She took, she went to the bank and got a certified check and

M They wouldn't take it

F1 They wouldn't take it. No. Absolutely not.

M1 There was supposed to have been a xerox copy of one of the checks that Helen had made out to Municipal Court. Is that the one you're referring to? Or do you remember anything about a xerox or did you ever

F1 That must, that was on a — case when Jack — hit a car.

M1 On a what case?

F1 (It sounds like she's saying—Holland)

F1 He hit a Holland.

M1 Motor freight?

F1 No, the peoples name was Holland.

M1 Oh, I see

F1 And, uh, that was when she took a check up there.

M1 Now, was the check, uh, was the purpose of the check to pay the people for the damage done to the car?

F1 I think that check was, yeah, because the people couldn't understand why Jack wasn't going to jail or why he wasn't, you know, going to court and that.

M — for restitution partially?

F1 (sound for agreement)

M1 What year was that? Do you remember? Was that one of the '81 cases?

F1 No, I think this was in '78 or '79.

M1 Now, had you ever had an occasion to make a payoff to Billy New anywhere other than in the court? Have you ever met him anywhere else to exchange money?

F1 No

M Did you ever go up there after court hours in the evening?

F1 Oh yeah. I've been up there before. I've went up there at night, 10:00 at night once.

M Talking about a case?

F1 Talking about a case and paying Billy for a case.

M You would meet him up there?

F1 (sound for agreement)

M You'd just agree to meet him and he'd open up the door

F1 Oh yeah. Even on a Saturday and Sunday

M Turn lights on and the whole thing

F1 Yeah, even on, I've been up there on Saturday, Sunday, all through the week, in the evenings, yeah.

M1 Were these on cases for Jack Schriefer and can you think of any other names, I know you've given us the name of the C.C.W. case.

F1 (mumbling—inaudible) There's been so many in between and that

M1 You mentioned the name Tirey

F1 Yeah, Don Tirey. Now his father would take care of his and (it sounds like—Otis) Tirey is good friends with Billy New and he always took care of that himself, but I know that he was supposed to have

RESTORE RESPECT AND CONFIDENCE!

DEFENDANT'S EXHIBIT C

September 27, 1983

Mr. Jeff Landreth
Public Safety Director
City Building
Hamilton, Ohio

Dear Mr. Landreth:

I have been personally made aware of conversations and events pertaining to the operation of Hamilton Municipal Court which, if true, constitute criminal activity.

Such conduct pertains to the activities of former Director of Court Services Billy J. New.

The subject matter of such conduct involves a scheme wherein the former Director of Court Services, Billy J. New, accepted monies from defendants through an intermediary for the purpose of disposing of cases in a manner not provided for by law.

I was further told that, on some occasions, this intermediary made transactions with Billy J. New on behalf of various defendants in the presence of Judge James H. Dolan.

As an attorney and officer of the Court, having been made aware of these allegations, I believe it my legal obligation to inform the proper investigative body.

Respectfully submitted,

/s/ Daniel E. Connaughton
DANIEL E. CONNAUGHTON

DEFENDANT'S EXHIBIT D

To the Editor:

It is now common knowledge that I filed a formal complaint which began the investigation leading to bribery charges filed by the Hamilton Police Department against Billy New. Because I filed the complaint at this time, a charge of "dirty politics" has been levied against me by some members of the community. It is understandable that those not close to the events which led to the complaint, without further information, might reach the conclusion that my actions were purely political. Those same people probably also assume that I possessed this knowledge for months, even years, and simply waited until the most politically advantageous moment to release it. Nothing could be further from the truth.

I trust that by reporting the chronological chain of events leading to the complaint, the issues raised will be laid to rest.

As in any judicial election, an incumbent runs on his record. In examining my opponent's record regarding drunk-driving cases handled during his term, several members of my committee came in contact with an individual involved with one of the cases they were checking.

On September 17, 1983, I met with this individual. Prior to September 17, 1983, I did not know this person, nor had I known any of the information I was then told. During this meeting, some very serious allegations surfaced concerning the operation of the Hamilton Municipal Court. Yet, before filing a complaint, I took great precautions to ascertain the validity of the information. When I was satisfied I was being told the truth, I sought the collective advice of the City Law Director, the Director of Public Safety, and the Chief of Police. I was advised by them that a formal complaint needed to be filed to initiate a police investigation.

On September 27, 1983, I filed a formal complaint. On September 28, 1983, I released all the information I had to the Hamilton Police Department. Thereafter, as in all police matters, they conducted their own independent investigation. On October 3, 1983, Mr. New was charged with three counts of bribery by the Hamilton Police Department.

Since Judge Dolan has stated publicly that, on September 21, 1983, he had heard a rumor serious enough to warrant demanding his Clerk's resignation, why, at that time, didn't he take the steps necessary to institute an investigation into alleged misconduct?

I have honestly reported the facts in this matter. I defend the action I took. My suggestion to those who still cry "dirty politics" is to re-examine their own sense of moral and legal responsibility.

/s/ Daniel E. Connaughton
DANIEL E. CONNAUGHTON
Municipal Court Judge Candidate

DEFENDANT'S EXHIBIT E

VOTERS WILL NOT BELIEVE
NEW CHARGES NOT POLITICAL

EDITOR:

My opponent, in his letter to the editor (Readers' letters, Oct. 20), says that he had no political motive in his timing of a complaint in September 1983, regarding the claimed conduct of the former clerk of Hamilton Municipal Court in 1981 and early 1982.

He claims that he is not guilty of dirty politics.

Baloney!

The voters are far too intelligent to believe that.

James H. Dolan
Judge
Hamilton Municipal Court

DEFENDANT'S EXHIBIT F

ATTEMPT TO TRIP JURY,
CONNAUGHTON CONTENDS

By JEANNE HOUCK
Journal-News Writer

Hamilton municipal judge candidate Dan Connaughton said Thursday he feels charges made against him by a bribery case witness were a deliberate attempt to undermine the efforts of the Butler County Grand Jury.

Connaughton opposes incumbent municipal Judge James Dolan in the Nov. 8 election.

Connaughton's remarks were made in his Fairway Hills home at a press conference he said he called to respond to charges, reported in the Nov. 1 *Journal-News*, made by a woman called to testify before the grand jury in the bribery case of Billy New, former director of municipal court services.

Alice Thompson, 22, 1740 Shuler Ave., currently unemployed, told the *Journal-News* that Connaughton offered her and her sister, Patsy Stephens, 32, 1757 Shuler Ave., jobs and trips in return for help in providing information about New.

As reported in the Nov. 1 article, Connaughton denied attempting to make such offers to the women.

He said Thompson misinterpreted small talk about possible jobs and a trip to Florida.

"It is perfectly clear to me that there has been a deliberate attempt to undermine the efforts of the grand jury by a well-placed and well-orchestrated campaign to discredit me," Connaughton charged.

Asked who was behind the campaign, he said Thompson was.

Asked whether he believed she was capable of mounting such a campaign alone, he replied, "I believe she has help," but declined to offer any names.

Connaughton said it is apparent Thompson is receiving legal help, because she told him her lawyer had advised her to take the Fifth Amendment—refuse to testify on the grounds that it could incriminate her—if she appeared before the grand jury.

"She doesn't know the difference between the Fifth Amendment and the Fifth Commandment," Connaughton contended.

Thompson originally told the *Journal-News* she was represented by Matt Crehan. After the story was published, however, both Thompson and Crehan denied he was her lawyer.

"I wouldn't be surprised at all if she never did testify before the grand jury," Connaughton added.

Butler County Prosecutor John Holcomb said Thursday he cannot make public whether Thompson testified before the grand jury. Grand jury proceedings are secret by law.

"It would be improper for me to make a comment about the case itself," Holcomb said, "except to say that although the grand jury was probably aware of the contents of the article which appeared before the case was over, I'm positive that it did not influence them one way or another in their deliberations.

He said the grand jury spent the "better part" of Monday and Tuesday hearing the case.

Connaughton said Thompson's charges that he used "dirty politics" to gain information about New in an attempt to smear Dolan were "outrageous and unfounded."

"I hereby categorically deny them," he said.

He said meetings with the two sisters took place in a relaxed atmosphere in which many things were discussed, but no type of "inducements" were offered in return for information.

"There is no question but that the fact that certain words or key phrases have been mentioned—Maisonette, going south—but I do know that these were never, ever done in the form of an inducement," he said.

Connaughton said that the first time he met with Thompson and Stephens was Sept. 17, as he had previously stated in a letter to the editor published in *Journal-News*.

Connaughton said Thursday that his wife Martha met Sept. 8 with June Taylor, state coordinator for MADD (Mother Against Drunk Drivers), who told Martha Connaughton about experiences Stephens had had with municipal court.

He said information provided by Stephens was much more important in prompting him to file an official complaint concerning New, which led to a police investigation and his arrest Oct. 3.

Connaughton also said Thompson did not refuse a lie detector test he arranged—as she told the *Journal-News*.

He said after a Cincinnati polygraphist Sept. 22 determined that Stephens had passed the test with "flying colors," Connaughton decided not to ask Thompson to take the test.

"If I made one mistake it was maybe I should have called her (Thompson) as a matter of personal courtesy before I filed the official complaint," Connaughton admitted.

He said he had promised the two anonymity "in so far as I had control."

Connaughton repeated the contention he has held throughout the matter that he did his civic duty in filing charges against New, and said, despite the anguish it has caused his family and campaign workers, he would do so again.

DEFENDANT'S EXHIBIT C

GRAND JURY INDICTS BILLY NEW

By PAM LONG
Journal-News Writer

The former director of court services in Hamilton Municipal Court was indicted on five counts of bribery by the Butler County Grand Jury today.

Billy Joe New, 52, 960 Foster Ave., was indicted on four charges involving money and one charge involving "favors of a personal nature."

None of the persons allegedly involved were indicted.

The grand jury indictments state that New was corrupted or influenced in his duties when he asked or accepted:

- \$210 from Jerry Day on Nov. 25, 1982;
- \$205 from James Smith Aug. 19, 1982;
- "favors of a personal nature" from Sheila Charles April 16, 1982;
- \$210 from James Harris March 25, 1981;
- \$335 from Alice Thompson Feb. 18, 1982.

Thompson was the only grand jury witness to receive immunity at the request of the prosecutor, said Butler County Common Pleas Judge John Moser, who granted Thompson immunity.

Thompson told the *Journal-News* she had taken the Fifth Amendment, which allows a witness the right to not testify on the grounds the testimony may incriminate the witness.

Asked to define "favours of a personal nature," Butler County Prosecutor John Holcomb said, "It's sure not talking about two tickets to a baseball game."

Holcomb also issued a statement when the grand jury returned its indictments.

"Other than what is included in the grand jury report, it is only fair to point out that, in the opinion of the prosecuting attorney, the evidence before the grand jury failed to implicate anyone in the Hamilton Municipal Court in any illegality, including Judge (James) Dolan, nor did the evidence indicate any illegality of (Hamilton Municipal Judge) candidate Daniel Connaughton in the possible inducement of a witness to give testimony," Holcomb's statement said in part.

Holcomb also indicated both Connaughton and Dolan appeared as witnesses before the grand jury and were given "wide latitude to testify without limitation."

"After each candidate testified, both said they had treated with courtesy and fairness by the prosecuting attorney and the grand jurors," Holcomb said.

The grand jury proceedings are kept secret and testimony is not public record.

Holcomb said he did not make any recommendations or suggestions to the grand jury on how to deal with the case.

"The grand jury did not concern itself with possible political implications and apparently decided to let the chips fall where they may just as in any other case and report on the first Friday of the month just as Butler County Grand Juries have done each month for most months of the past 11 years," Holcomb said.

Holcomb also said there would be no further comment on the case until after Nov. 8, which is election day.

New was the director of court services under Hamilton Municipal Court Judge James Dolan for almost six years. Dolan asked for and accepted New's resignation Sept. 22. Connaughton filed a complaint against New Sept. 27. New was arrested Oct. 3 on three counts of bribery, involving Day, Smith and Thompson.

DEFENDANTS EXHIBIT H

JOURNAL NEWS
PAGE OF OPINIONS*In our opinion—Hamilton Municipal Court*WINNER MUST RESTORE PUBLIC'S
CONFIDENCE IN COURT

(EDITOR'S NOTE: The *Journal-News* usually completes publication of its endorsement editorials no later than one week before the election. But this editorial, because of unusual circumstances involving the contest for Hamilton Municipal Court, has been delayed until additional information could be considered.)

The two-man contest for judge of the Hamilton Municipal Court has dominated the 1983 campaign in the area, particularly in the closing weeks.

That is why most readers are familiar with many of the details of the intense ballot battle between Judge James H. Dolan and Daniel E. Connaughton, the challenger.

The winner—who will be paid \$55,750 a year—will serve a six-year term on the court which covers the City of Hamilton and adjacent communities in Ross Twp. and St. Clair Twp.

Voters in those areas will have a chance to participate in the decision between 6:30 a.m. and 7:30 p.m. Tuesday.

Dolan, 65, has been practicing law for 27 years and has been municipal court judge since Jan. 1, 1978. Dolan has stressed his record during nearly six years on the bench.

Connaughton, 40, has been practicing law for 14 years, including two years as city prosecutor and two years

as assistant county prosecutor, both part-time positions. He also has been an acting judge.

Connaughton said if he is elected, changes can be expected, particularly in the pre-trial system.

As usual, both candidates also claim to have all the personal virtues desired in a judge.

Of course, a major complication in the campaign has been the bribery charges pending against Billy J. New, a former director of court services during Dolan's tenure.

In light of the New case, Connaughton has questioned the administrative ability of Dolan. The judge has responded by noting that New is a former employee who resigned Sept. 22 after questioning by the judge.

A Butler County grand jury heard the New case last week. It returned indictments against him Friday morning.

Of course, the indictment is only a step in the legal process, not a judgmental or conclusive action. New hasn't been tried in a court of common pleas, and is presumed innocent until proven guilty.

It also should be emphasized that there are no charges against Judge Dolan, nor are any likely on the basis of present information.

Despite Dolan's close association with New, there are no indications that the judge has been guilty of anything worse than too much trust of an employee.

In fact, Butler County Prosecutor John F. Holcomb released a statement Friday in reference to the grand jury's findings. It said:

"Other than what is included in the grand jury report (indictments against New), it is only fair to point out that in the opinion of the prosecuting attorney, the evidence before grand jury failed to implicate anyone in

the Hamilton Municipal Court in any illegality, including Judge Dolan, nor did the evidence indicate any illegality of candidate Daniel Connaughton in the possible inducement of a witness to give testimony."

But regardless of the outcome of the New case in common pleas court, there is some reason to question the operation of the court, particularly the absence of adequate checks and balances throughout the system.

The Connaughton campaign has raised some interesting questions about the conduct of the court.

The critical question is if the blame should be borne entirely by Judge Dolan.

Has he neglected supervision of the system, or has his failing been because of one of his strengths—his dedication to and concentration on the fair and expedient handling of judicial matters?

The judge has noted that Hamilton Municipal Court has the second highest caseload per judge in Ohio.

If the system is defective, or open to abuse, shouldn't others who operate within that system and who have oversight on parts of it also share the responsibility?

That includes lawyers who try cases in the court and city officials who are responsible for some of its functions, including the hiring and supervision of the part-time city prosecutor who handles cases in municipal court.

Shouldn't alarms have been sounded earlier if there is a real need for reforms, for an additional judge or court personnel, or for a better system of tracking cases from the pre-trial stage through completion of sentences?

Shouldn't the people closest to the court have urged an objective study of shortcomings and potential trouble spots in procedures, policies and supervision which interfere with justice, regardless of who is the judge?

What has been the result of the campaign—other than to keep the names of the candidates in the forefront?

Has it uncovered (1) a judge who didn't pay enough attention to administrative matters, (2) a local legal profession which has conveniently turned its back on a system in need of repair, or (3) both?

Obviously, that question is a tough one to answer, particularly for those not emotionally or personally involved in the Dolan and Connaughton campaigns.

It has been a difficult task for voters who have no direct contact with the court or the criminal justice system. It also has been tough for a newspaper weighing an endorsement for municipal judge.

That is why the *Journal-News* has taken extra time to examine the candidates, weigh the charges and the innuendoes and consider the opinions of those who have worked with both candidates.

The findings are inconclusive.

Dolan generally is regarded as an honest, hardworking judge who has improved the municipal court system during his term on the bench. Of course, not everyone has agreed with all of his decisions, but that is expected.

As noted, there is nothing to suggest that he has been involved in anything improper.

At the same time, Connaughton is credited with bringing some important questions to the fore, even if at times it has appeared to be more politically-motivated than concern for the efficiency and fairness of the judicial system.

In answer to the charge of playing politics, Connaughton's forces note with some justification that many of their criticisms only come to light in such a campaign.

When a person becomes a candidate, he or she becomes the logical recipient of information, suggestions and complaints about the office being sought.

The process affords the candidate the opportunity to step back and take a deeper, more thoughtful look at the office and its operations.

In summary, a slight edge goes to Judge James H. Dolan—with the admonition that, if elected, he must assume the responsibility for restoring public confidence in the administration of the court.

But regardless of the election outcome, the questions about Hamilton Municipal Court—and all local courts—must not be forgotten after Nov. 8.

The winner in the Dolan-Connaughton contest is expected to do everything possible to improve the accountability of the municipal court.

He also must take the lead in assuring that municipal court decisions are rendered in open court with consideration for crime victims, not just for defendants, prosecutors and lawyers.

He also is expected to lead the way in reevaluating the system, and particularly in eliminating the potential for both administrative and judicial abuse.

DEFENDANT'S EXHIBIT 1

TRANSCRIPT OF INTERVIEW

OF

DAN CONNAUGHTON

CONDUCTED BY

JOURNAL NEWS

THOSE PRESENT:

Mrs. Pam Long

Mr. Jim Blount

Mr. Dan Connaughton

[1] MRS. LONG: Today is the 31st, and that it's about 4:20 in the afternoon of October 31st, and I'm talking to . . . come on in Jim . . . I'm talking to Dan Connaughton, and this is Pam Long.

(Informal conversation, not for the record.)

DAN CONNAUGHTON INTERVIEW—By Mrs. Pam Long:

Q. What I said before is that we have had an interview with Alice Thompson; we were trying to verify the things that she had told us in there, and trying to find out, you know, how much of her statement was true.

A. Okay.

Q. She told us about a meeting that happened sometime in, let's see, early or middle September, around 12:30 a.m. at your house—it would be like, you know, after midnight, at your house, and it was attended by yourself and Dave Berry, and Joe Cox, the Barneses, Martha Connaughton, and Alice Thompson and Patsy Stephens were brought there by Cox and Berry—can you verify any of that?

A. That's all true.

Q. Okay. Now why was the meeting held from 12:30 a.m. to 5:30 a.m.? At least, that's what she said, that it lasted until about 5:30 a.m.

[2] A. Why was it held that long? Is that the question?

Q. That long, and also at that hour?

A. As I recall, they were working at Rinks, or one of those places, and that was when they got off work, like at 12:30: My wife and brother-in-law had seen Patty Stephens the day or two before that—or, I don't know about the date—to ask her about her ex-husband Jack Schriefer, about his contact with the Hamilton Municipal Court involving his multiple DUI cases and why he was—kept receiving his license back, and that sort of thing. In talking to her, it developed that she was a person that was very familiar with Billy Joe New and had had

numerous contacts with him involving various defendants.

Q. Now which one would this be? Patsy?

A. Patsy.

Q. Patty, okay.

MR. BLOUNT: Is her name Patty, or Patsy?

MR. CONNAUGHTON: Well, I think she prefers Pat or Patty. They have her listed down as Patsy, but . . .

MR. BLOUNT: (Inaudible)

MR. CONNAUGHTON: Right. She would prefer the other two.

[3] Q. Okay. So Patty had had various contacts with New at Municipal Court? Is that right?

A. Ummm-hmmm.

Q. Did your wife and brother-in-law, did they go—did they seek out Patty, or how was it that they found out about her?

A. They were furnished Patty's name by June Taylor, who Patty had contacted about a year ago—the year prior to September of '83, or thereabouts, to complain to her—that is, June Taylor—about her husband's treatment, or lack thereof in the Hamilton Municipal Court, and specifically about his driver's license not being taken away and she was fearful about that.

Q. Now Patty contacted June then about a year ago?

A. A year before September of '83 more or less. Maybe a little longer, but I think that's about right.

Q. Also you indicated that somebody was working at Rinks—would that have been Patty, or would that have been . . .

A. I think Patty and Alice; I think they're working together. In fact, I think they both got off at the same time. That was my understanding.

MR. BLOUNT: Was that at (unclear) or at Rinks? Are you talking about the old Rinks [4] (unclear).

A. Well, I think it was a warehouse or something, now wherever that might be, but I'm certain without actually—not picking them up, that they had just got

off work, wherever they did work—I thought it was for Rinks.

Q. But you understood that both of them were employed then, am I right?

A. Yeah, ummm-hummm.

Q. Okay. So did Bob . . . did Dave Berry and Joe Cox pick them up at their house, or their mother's house, and bring them . . .

A. At her mother's house, yes. Ummm-hmmm.

Q. Okay. Now what was the urgency of having the meeting at that hour of the night? I know you said they were just getting off work, but you know, was it something that could have waited until later, or you know . . .

A. I suppose it could.

Q. Uh-huh.

A. I wasn't involved with setting up the timing of the meeting.

Q. Uh-huh.

A. If my memory serves me right, they did go back out and wanted to talk to her some more and she wasn't there, [5] and I'm not sure if through her mother, or with them directly, they decided that they would pick them up after work.

Q. Okay.

A. The night of the 16th.

Q. Okay. So this was September 16th.

A. Before 12:00 o'clock, so it would be September 16th (unclear) when they got there.

Q. Okay. So September 17th then . . .

A. Right.

Q. At 12:30.

A. Ummm-hmmm.

Q. At Dan's. Were there tape recordings made of that conversation?

A. Yes.

Q. How many tapes—meaning how many tape recorders were going?

A. Two sets of tapes.

Q. Can we hear those tapes?

MR. BLOUNT: Are those the tapes that (unclear).

MR. CONNAUGHTON: Yeah, I suppose they were, the Hamilton Police Department has the other set.

MR. BLOUNT: (Inaudible)

[6] MR. CONNAUGHTON: Yes.

Q. But can we hear them?

A. Yes. You know . . .

Q. When can we do that? Like today?

A. Well, I'm only saying this by way of precaution or premonition, for precisely the reason that I have not come out with everything that I know, because there's pending charges—now you obviously know what you can do and what you can't, that's why I've never told anybody including the paper or anybody else about the use or the other information contained on those tapes.

Q. Ummm-hmmm.

A. Because there are pending charges and I didn't feel it was my place professionally that I'm permitted to do that. Now, I don't know how to answer your question except to say, as far as I'm concerned with what you want to hear on there, I've got no problem—you can hear everything you want to hear on there. And as long as that doesn't interfere with the workings that's going on across the street, sure, you can hear anything you want to hear. You can have them. I've got no problem with that.

MR. BLOUNT: It's not our intention to get into the (inaudible).

[7] MR. CONNAUGHTON: Yeah, you just want to listen to . . . yeah, sure.

Q. What are we going to hear on those tapes?

A. You will hear a very long narrative by Patty Stevens telling about her knowing Billy New, how she came to know him, and the relationship that developed later which revolved around her acting as a broker in effect, bringing him defendants accused in criminal cases, mostly traffic, that she would call Billy New about; he

would pull the case, tell her how much money it was going to cost, she would arrange to meet him, usually early in the morning, bring the required amount of money up, give it to him, he would mark the case up and she would leave. The defendant never appeared down there, never appeared in Court, and that was the end of it. And she will say on those tapes she believed this happened at least forty or fifty times—with her.

Q. Did she establish a time period for that?

A. I think she did, and I don't know that I remember it, but my recollection would be basically concentrated from '79 to '82, that would be my best recollection, of the bulk of it.

Q. Okay. What about Alice Thompson's statement (inaudible).

[8] A. Basically, it's Patty on the tape. Alice would choose and say a couple of phrases here and there, and then she went on to tell us about the involvement she had particularly and personally with Billy New, involving her own gifts.

Q. Will we hear the questions that were asked?

A. Sure. Everything's on there.

Q. Was the tape stopped at any point during the interview?

A. I think that it probably was when we were trying to collect thoughts and see what to ask next, or if we thought someone was going off on a tangent, we were just, you know, our minds were pretty well destroyed by what we were hearing, and I'm sure it's fair to say that sometimes along the way the tape was stopped. Changing tapes, or otherwise too. Sure.

Q. Okay. Before we get too far afield here I'd like to find out, is it possible for us to get a copy of those tapes and listen to them tonight?

A. As far as I'm . . . sure.

Q. Okay. Where can I . . . should I go to your house, or what should I do?

A. Well, I think Dave's got them right next door.

[9] Q. Dave's got them—okay. Okay. What was your reason for conducting the interviews?

A. My reason was that it was reported to me by my wife and my brother-in-law that in talking to Patty Stephens, ex-wife of Jack Schriefer, that not only did she know about his DUI cases, but they hinted to me—they had not had that long of a conversation with her—that she was full of all kinds of information that would be tantamount to extremely serious allegations concerning the operation of the Hamilton Municipal Court.

Q. And again, this was because Patty had come to June. . . ?

A. Right.

Q. The year before?

A. Right.

Q. And June was bringing this—brought this to your wife and brother-in-law's attention?

A. That's correct.

Q. And then they went out to talk to—at Zella Breedlove's house, to talk to the family and that sort of thing, and find out what was going on?

A. That's correct.

Q. Okay. Do you know what date that meeting was?

[10] A. When they first talked to Zel . . .

Q. When they first—when they went out to Zella's house?

A. I think it was about September the 8th?

Q. Did your wife talk to you about this afterwards?

A. Ummm-hmmm. Sure did.

Q. Like the whole night, forever and ever?

A. Yeah, until about 4:00 in the morning. Sure.

Q. Okay.

MR. BLOUNT: Was that really the first solid evidence you had on. . .

MR. CONNAUGHTON: That's it. I said in the paper September 17th when I personally became aware,

but about September 8th or 9th is when they told me what they thought she knew and how serious the allegations were.

Q. Okay. And the reason again for wanting to interview Alice and Patty?

A. Well, I wanted to determine if some of the things I had briefly heard were in fact true, and to see what it was all about.

Q. Did you ever say—tell Alice that your purpose was to collect the evidence, present the information to Dolan, get New and Dolan to resign, and then for you to be appointed [11] to that post?

A. That I would present what I had to them. . .

Q. Yeah, you'd get what you. . .

A. And then they would resign and I would be appointed?

Q. Yeah. Or that your intention was to try to—at least—at the very least confront them with the information—was that your intention at all? I mean, in interviewing these people, was to confront Dolan with this?

A. Well, I don't know that I had a firm purpose prior to hearing what they had to say, what I was going to do with the information once I got it. I think it would be fair to say, sometime during those three or four hours that they were there, that I probably made a remark along the lines that I just can't believe what I'm hearing, and, you know, I would think if they could hear what we're hearing, they would probably resign. I mean, I thought the allegation was that serious. But to tell her that—to answer that—and if she's saying that was my announced purpose of what I had them there for and what we were going to do with the information, my answer would be no.

MR. BLOUNT: You didn't tell her you were going to take the tapes to him? And play them for them?

[12] A. No. No. What I might have said is, boy, I'd sure like to let them hear these tapes and see what

they've got to say for themselves, you know, in a fashion such as that.

MR. BLOUNT: In an expression of shock.

MR. CONNAUGHTON: Yeah. Yeah, as I almost fell off of the fireplace. Right.

Q. Okay. And the reason though, getting back to why you taped the thing, was because you knew, in talking to your wife that there were some serious allegations and you wanted it on tape?

A. That's right. That's right.

MR. BLOUNT: Now, you said before that these were the tapes that the police have?

MR. CONNAUGHTON: Yeah, they've got the one set. I told them everything I knew, including the fact that I had two sets of tapes, and they said do you mind giving them to us and I said here they are, and they took them.

Q. But to get back to the question on the deal about New and Dolan's resignation—was it ever your intention, either during this interview or subsequent to it, to use the tapes as an attempt to get New and Dolan to resign?

A. I can only answer this way. After hearing it all, I knew it would be an unrealistic approach, you know, [13] to go down to their office and say do you gentlemen have about an hour, I'd like for you to listen to something, and then saying, oh, well, okay, if you want to accept our resignations, you know, we quit. And you know, that was absolutely impractical and would not apply. I do not deny that during the course of saying a lot of things in total shock and wondering what in the world we were ever going to do with something that was dynamite, I probably said something like yeah, I'd like to go down there and let them hear this and see what they've got to say about it, you know.

Q. As far as the resignation though?

A. Well I probably would have put an add-on and said, you know, Goddamr, after they hear this they ought to just resign and quit, or something, you know, in that kind of a setting and expression.

Q. Did you ever promise Alice Thompson anonymity?

A. That question was discussed, and I was hoping to her, and I told her it would be my intention and hope that she could remain anonymous, yes. But did I promise her anonymity, the answer would be no. Did we discuss it, we sure did, and I expressed to her my desire as well as her desire that she could remain anonymous.

Q. Do you think that she felt that that was [14] a promise? Did she ever refer to it later, as, you know, well I, you know, I . . .

A. I imagine she feels betrayed.

Q. And why would that be?

A. Because she's not anonymous, and she probably felt that my representation, that maybe she could remain anonymous had been a breach of trust to her.

Q. Did you every talk to Alice about getting a job for her in appreciation for her help with your investigation of New and Dolan?

A. No.

Q. Not a waitress job?

A. No.

Q. Did you promise a Municipal Court job for her sister Patty Stephens?

A. No.

Q. Did you offer to have "the sisters go on a post election trip to Florida with you and your family to stay in a condominium?"

A. No.

Q. Did you offer to set up Thompson's parents, the Breedloves, in what is now Walt's Chambers, which you own and lease?

[15] A. Absolutely not.

Q. Why would she say this to us?

A. What was discussed in an off-handed way, the people who own that bar, who we're not very pleased with, their lease expires next September. My wife has the idea that she wants to open an ice cream type shop like Graeters, or some such thing as that, and I heard

her discussing with them that maybe, since Patty had run this Homette Restaurant or something of that nature, that maybe she would help out and participate in the operation of this—whatever you want to call it—deli shop or gourmet ice cream shop. Yes, and I was present when that took place.

Q. And when was that?

A. Well, I don't think it was that night. As I recall, this was a later time that we had seen them.

Q. But that would only be for Patty (unclear)?

A. I guess Alice was there, and the offer may have been extended to her in that fashion, that she could work there or something—I wouldn't be surprised if that was said.

MR. BLOUNT: But that wasn't at your house?

MR. CONNAUGHTON: No, and it had nothing to do with (inaudible) for information or something, it that's what [16] the point of this question is. That's absolutely no, if that's that question. Well, the tape will speak for itself.

Q. Sure. Sure. Okay. But would there be a reason why she would say to us that, you know, that there was, you know, that she told us—okay—the quote that she gave us was, Martha knew that she was unemployed, and that you had supposedly said to her, we'll see what we can do about that, and then later when they were talking about that particular restaurant, Walt's Chambers, indicated that the Breedloves who had some restaurant experience, the mamma and the papa would be doing something and then the girls would be there as waitresses and have a secure job.

A. I am not aware of any conversation to do with their parents being in any way involved. I am aware of a conversation, as I said before, they were talking about it, because they talked about it at great length, how Patty ran her Homette Restaurant and how successful it was and all this, and at that time Martha said I've had this idea for some time if Dan and his brother would

kick out that bar, I would like to own a little, you know . . .

A. Ummm-hmmm. Sure.

Q. And maybe you could have some ideas or work there or something like that, and that's how that came up, but [17] that's all I remember. But as far as her parents being involved, or owning it, or us leasing it to them, no.

Q. What about this post election trip to Florida? Is there any possibility that they were, in an off-hand way, well, you know, you guys want to go, you know, you can go along, or something like that?

MR. BLOUNT: Did you talk about anything like that?

A. Ummm-hmmm. After getting over the initial shock it became a little clearer to me of—kind of how scary this thing was with the information they gave to us, as far as, if their personal safety was at stake, and before this ripened into a police matter officially where they might get protection if that would be required, I do remember in an off-handed way it being discussed or something that they ought to . . . they could go down to Hilton Head or Florida, or something like that, or maybe hide out or something like that, I don't know. But I own no property and have nothing to offer them.

Q. But there was talk about a friend that had a condominium that would be vacant and it was in terms of a full blown trip, you know, you, the Berrys, the whole group going down to Florida and they were welcome to go along. If [18] you're taking a trip like that, they've got their bags packed. They're ready to go.

A. No. The only conversation I remember along those lines was in connection with, if their personal safety might be in question because of going out on the line and making these serious allegations, that they would obviously be thwarted by former friends and other people.

Q. They did bring out the protection and personal safety aspect (unclear) Alice did. She also mentioned

that there was an offer to stay at your house for awhile; she didn't give us a time frame in terms of how long, but we took it to mean in terms of like the Grand Jury and the trial and that sort of thing—was there an offer like that made?

A. I doubt it. That would be so . . . it wasn't by me. I don't know if that was ever discussed as an issue. If it was, it was an off-handed, not meaningful way, because with two dogs and a cat and three kids, I don't have a whole bunch of room over there.

MR. BLOUNT: Did you give them consideration at all? I'm glad to hear that other people have those problems.

Q. Okay. Now talking about the protection aspect. Were you afraid for their lives? Or were you [19] afraid more for the influence of the neighborhood?

A. I wasn't genuinely afraid for their lives except in a general way without knowing any specifics, when these things might surface, obviously certain people would not be very happy. But I didn't perceive them to be in any immediate danger.

Q. I'd like to move to another meeting—unless you have some more questions, Jim?

MR. BLOUNT: No.

Q. This meeting we were told took place the day Billy New resigned, September 22nd.

A. What meeting?

Q. This would be the lunch session?

A. Yeah, the day of the lie detector test.

Q. Yes.

A. Right.

Q. Okay. Good. I'm glad you brought that up. You weren't there . . .

A. We already talked about it.

Q. Oh, you did talk about that—okay. Okay. Now you can share your notes with me in there.

A. I was there.

Q. You were there?
 [20] A. At what?
 Q. At Linda Berry's for the lie detector?
 A. Umm-hmmm.
 Q. Oh, okay, because she didn't even have you down.
 A. Not for the whole thing, but I was there for about forty minutes.
 Q. Okay.
 A. I didn't participate in it but I was standing out waiting for Patty to go in to have her lie detector, and then I had to leave and go to town.
 Q. Just . . . since I . . . do you want to fill me in, or do you want to . . .
 MR. BLOUNT: Yeah, I can maybe save you some time. Was Alice to take the lie detector test?
 A. It was anticipated that she would, that's why they were both there.
 Q. Ummm-hmmm.
 A. But for reasons I'm not sure of, because I left, once he got through interviewing Patty, and I'm not sure how the collective decision was made, but she was not given the lie detector test.
 MR. BLOUNT: (Unclear) I only knew of one [21] person.
 A. Right. And I don't know. Maybe they got an oral opinion from Mr. Anderson at that time that seemed to satisfy them. I don't know.
 Q. Mr. Anderson?
 MR. BLOUNT: With the lie detector.
 A. He was the examiner.
 Q. What's his first name?
 A. Carl.
 Q. Do you know how to spell his last name and where he works?
 A. Just like it sounds. He's in the book I'm sure. He's a polygraph examinationer (sic) in Cincinnati, Ohio.

Q. Is it just Anderson, is that . . .
 A. Ummm-hmmm.
 MR. BLOUNT: Where were you then, when you said - you were there for a short time—did you go back to your office?
 A. Yeah, exactly. This was in the morning.
 MR. BLOUNT: Now that's the day that Billy New resigned; how did you know that Billy New resigned?
 A. I got a call from one of the attorneys [22] who was down there, and said all this shuffling and hustling was going around and said we (unclear) go out and do something real quick and left, and we heard he resigned.
 Q. Can you tell us who that attorney was?
 MR. BLOUNT: Was it Jim Cooney?
 A. Well, I think it might have been. Coondog, yeah.
 Q. Did you get upset at your office in Thompson's presence that New had resigned but Dolan had not? And also say that you would have to file charges? Was that when you made the decision to file charges?
 A. Is that when I decided to file charges. No, that would not be an accurate way of stating that. I was totally surprised at the manner and celerity of his resignation to say the least. In my humble opinion the whole thing was orchestrated, but that's not the question you asked me anyway. No, that is not when . . . when that fact happened and Dolan didn't resign which of course, I wouldn't have expected that; that's not when I made the decision to file a formal complaint, no.
 Q. And when did you decide to file a formal complaint?
 A. When I got the results of Carl Anderson's [23] lie detector test and made a couple of other collateral corroborations which I've told Mr. Blount about.
 MRS. LONG: Do we have a date on that?
 MR. BLOUNT: Are you talking about (unclear)?
 A. The 22nd.

MR. BLOUNT: The lie detector test was . . .

A. 22nd.

Q. The lie detector was taken the 22nd and you got results back . . .

A. I don't know. It's on the letter, and the Grand Jury has it. I left it with John Holcomb this morning, so I don't know what the date is on the letter.

Q. Like within a week afterwards?

A. Oh, I'm sure.

MR. BLOUNT: Was it on a Monday?

A. Yeah, it must have been.

MR. BLOUNT: (Unclear) trial for Tuesday morning.

A. But I think at the time after he did it, he gave his oral opinion and then reduced it to writing.

Q. Did Alice ever realize that you were going to file charges then? I mean, did you indicate that you were going to have to go beyond what so far had been basically [24] had been anonymous? (Inaudible)

A. I did not tell her that I was filing a formal complaint. I'd be pretty sure that I did not tell her that I was going to. I would certainly agree with that. Not that I recall.

MR. BLOUNT: What happened? Can you take us from the time you learned of the New resignation through the remainder of the day?

A. Yeah, we—as a matter of fact we all went out to lunch at Bob Evans, on Colerain Avenue. Thereafter, I think I went back to my office. Nothing of incident after that, but we did all go out to lunch.

MR. BLOUNT: "We" is . . .

A. Joe Cox, myself, my wife, Dave and the two girls.

Q. Any reason why you went there?

A. To Bob Evans? Not specifically to Bob Evans, but there was a reason I chose to go out of town.

Q. Which was?

A. Because I wanted to try to maintain their anonymity and I didn't want to go to Hydes and eat lunch.

MR. BLOUNT: Yeah, that's for sure.

A. So, yeah, there was a specific reason why [25] we went out of town.

Q. Were you trying to protect their anonymity at all in the beginning for that second meeting doing it at night—from 12:30 to 5:30?

A. Oh, sure. Sure. Yeah.

MR. BLOUNT: Did you do anything else in their behalf to try to make sure they did have the proper cover?

A. Yes.

MR. BLOUNT: What?

A. I tried to determine that their immunity would be certain.

MR. BLOUNT: And how was this done?

A. Through the prosecutor.

MR. BLOUNT: Did John (inaudible)?

A. Yes.

Q. And what was his response?

A. I was assured that they would be given it.

MR. BLOUNT: At that time was he aware of what you had? Is that the first time (inaudible). I don't know what the date would be, but . . .

MRS. LONG: That was September 22nd.

A. If I saw him that day—I might have saw [26] him Friday or Monday, before (inaudible). And for the obvious reasons he also preferred that I go through the normal channels of filing a complaint.

Q. Did he tell you that on the 22nd, or on another day?

A. Well, I'm not sure, but sometime between the 22nd and the 27th when I actually filed the charges. For the obvious reason, you know, if there's something there then it should go just as every other case goes—you have some officialdom attached to it which is the police department, and let them investigate. Don't let me say I'm jumping on Dan Connaughton's political bandwagon and we're going to go shooting off, and I understood that.

Q. Okay. Did . . . Thompson told us that she heard from you that she could not get immunity—did you tell her that she could not?

A. Absolutely not. I think who she did hear that from is Mr. Matthew Crehan, who happens to be, as we all know, in the lie of the other side. And I was specifically told that she had a conversation with him, who suggested to her, and made the suggestion to her sister as well, that they would be better off pleading the Fifth Amendment before the Butler County Grand Jury, because there wouldn't be immunity [27] forthcoming.

Q. Did you ever discuss the issue of immunity with them? With Thompson and her sister?

A. Sure. I reassured them on as many occasions as I thought it necessary, or that the issue was brought up, that John Holcomb has never told me anything that he couldn't do, even though the Judge gives immunity and all the cases he has ever requested immunity from the Judge, he's never been refused, and it's almost axiomatic in a criminal case that if you're up after a higher person

MR. BLOUNT: It's common practice?

A. Yeah, it's common knowledge. I understood fully that someone not having been involved of it had genuine fears about it. I tried to allay those fears in every opportunity that they rose to the surface, and told them that I worked for Holcomb and I knew about the process and if John told me that they were getting immunity they were getting immunity—plain and simple.

Q. One last statement. At lunch Thompson said that you promised to take her and her sister out to a post election victory dinner at the Maisonette?

A. I promised to take them to the Maisonette? Hell, I haven't been to the Maisonette for years.

[28] MR. BLOUNT: Was it discussed? Was it brought up?

A. It may have been. It may have been. I won't deny that some loose discussion in a kidding way was . . .

MR. BLOUNT: Did you compare Bob Evans with the Maisonette?

A. No, we didn't make those comparisons, but if she said that was discussed, I wouldn't say that she was not telling the truth. If she says that I made a firm statement that we were going to definitely plan a party at the Maisonette, that's not true. But now I'll say something real quick.

MR. BLOUNT: Okay.

A. It became clear to me, not so much on the 17th, even though she alluded to it and her sister did, that she has had some problems—I think she's been to Hughes and some different things like that, and she's given to some emotional outbursts. That wasn't discussed in great detail, but it was alluded to by (inaudible). But nothing evidenced itself that night to indicate it; she told a very calm story, exactly what happened to her in her particular case. It was supported to me when, probably four weeks ago I'm sitting at home on a Friday or Saturday night and the phone rings and [29] she is absolutely hysterical to the point that there is no reason and I was a traitor who betrayed her; she was supposed to remain anonymous; she wasn't; we were out to get her; we lied to her, and all sorts of charges of that nature. With the greatest degree of restraint I talked to her for about twenty minutes, and admitted to her that upon reflection, I thought that one thing I should have done is before I actually filed the formal complaint I should have called her to let her know that I was doing that, which I did not, and I admitted to her that probably that would have been the best thing for me to do. But in the heat of everything going on I neglected to do that, and she likewise may have proffered some of the charges that you are now confronting me with, in a little more graphic and colorful language.

Q. Gee, this is the first time I was called non-colorful.

A. But to give you an idea of the fever pitch she was at, I was so concerned about her and her representations

to me, among the other things, that she has suggested fear for her safety and that people are talking against her and saying why are you ratting, why are you turning against these people and all this, that I called Jeff Landreth at home and told him about the conversation I had just had. And [30] I said Jeff, I am not a person who cries wolf, but I said, I am genuinely concerned with this gal, about what she perceives to be problems around her, and I don't know what you can do, what you will do, but I just felt I had to call you. And I related to him some of the things she was telling me and some of the fears she was expressing. And he responded in a fashion of saying that because of his FBI experience this was a fairly natural response once a person has given some information that places them in the posture of being called a snitch and whatever else. And I said, well, I recognize and appreciate your experience in these things and I'll accept that, but I just want to tell you that she's really going wild and I'm concerned. And he said, well, you know, the only way that I can answer that any further is to tell you that if there's somebody there, there's some real and present danger, he said I'll go out myself and get the police out there, but he said, I can't act and won't act just upon her general statements of being fearful of her condition.

Q. Patty didn't call you similarly, with concerns about being a snitch—whatever?

A. Yes, but in calm, logical discussion that we would talk about it.

MR. BLOUNT: Had they actually been confronted by someone, or do you think it was the fear that they would be confronted?

A. I think some people had talked to them, and I don't know who, but I feel that, however it got out—and maybe it was just inter-family (inaudible) but they had been talked to, and people expressed their dissatisfaction about what they were doing.

MR. BLOUNT: (Inaudible)

A. No, not outside. Maybe Mr. Breedlove and his wife or something, who were not happy with the situation either, I guess.

Q. When did she call? Before or after New had been arrested?

A. Well, let's see. Well, I would assume that it was after he was arrested. Because. . .

MR. BLOUNT: That's when it became apparent that you probably (inaudible).

Q. She also said that she had called, or she had been brought down to the police station to give a statement, and that you called her then, you know, that evening, after that, and said I understand you've talked to the police, I wanted to know what you said?

A. No, I don't believe I called her; maybe [32] somebody did, but I don't believe I talked to her the day that she went to the police department. I'm fairly certain that I did not.

Q. Do you know who would have?

A. No.

(Comments not on the record.)

A. I kind of felt this was going to come about; I could understand her going in this direction. This is just an aside.

Q. Okay. Did you ever represent to her that you were trying to clean up the Courts?

A. When I heard what I heard I was appalled and said that's disgusting and I'm going to put an end to that in any way that I can. I'm sure that I said something like that.

MR. BLOUNT: He'd bring the same thing (inaudible).

A. Yeah, it's kind of like a broken record, or tape, as it were, but. . .

Q. I think that does it for my questions. I think. Let me check my notes.

MR. BLOUNT: Anything else about that old scenario of the chain of events that (inaudible).

[33] A. You mean with reference to Alice?

MR. BLOUNT: Yes. (Inaudible)

A. The first time that I ever laid eyes on Patty Stephens and Alice Thompson was in my (inaudible) on September 17th. Likewise, the first time that . . . that was the very first time that I had heard any of the information by them.

Q. Why were the Barneses there?

A. They're neighbors and good friends, and I just thought it was a good idea if someone who wasn't so-called in my camp, or a relative, was privvy to this information.

Q. So they were invited over then?

A. Yes. And I don't think either one of them uttered a word; they just sat there to observe.

Q. Did she ever—did Alice Thompson ever say to you that she felt that you had tricked her?

A. Yeah. Yeah. On the phone that night. She called me everything but a white man.

Q. Which night?

A. When she called in hysteria.

Q. Okay.

A. To express her fears.

[34] Q. What date did we establish that as?

A. I can't put a bead on it.

MR. BLOUNT: (Inaudible)

A. Yeah, I would assume that would have to be then, but I can't pinpoint it any further for you than that.

Q. Did you feel as if you had tricked her?

A. No. But I could understand to a degree how she had those feelings, even though the extent of how she was presenting it was obviously shaded and bizarre. In other words, Patty did not ever get into that sort of thing at all with me; she just wanted assurances that there was immunity, she was going to see it through; what happened happened and that's the way it was. And

so I, you know, we were reasonably sure (inaudible) that she had some other problems.

Q. And you said that she had been into Hughes?

A. I think that's correct.

Q. Did you have anybody to back that up?

A. No.

MR. BLOUNT: You didn't check it out? You took it at face value?

(No response.)

Q. So her sister Patty, again getting back and going over the promises—pardon me for going back to them [35] but that seems to be a hefty charge against you.

A. That's alright.

Q. Her sister Patty is not going to get a job in the Municipal Court if you're elected?

A. Not that I know of.

Q. And she's not going to be disappointed to find that out, right?

(No audible response.)

MRS. LONG: That's it for me. Thank you.

MR. BLOUNT: Thank you.

MR. CONNAUGHTON: You're welcome.

AND THEREUPON, the interview is terminated.

DEFENDANT'S EXHIBIT J

TRANSCRIPT OF THE INTERVIEW
OF
ALICE THOMPSON
CONDUCTED BY
JOURNAL NEWS

[1] PAM LONG: Today is October 27, 1983; it is 11:30 in the morning; we're meeting at Hank Masana's office, and present at the meeting are myself, Pam Long, a Journal News Reporter, Alice Thompson, Hank Masana, and also Jim Blount.

EXAMINATION—By Pam Long:

Q. For the record we'd like to state . . . have you state your name. Is it Mrs. Thompson?

(Inaudible comments in background.)

A. Okay.

Q. Okay, Miss Thompson, that's fine.

MR. MASANA: (Inaudible)

MRS. LONG: Sure, go on ahead.

MR. MASANA: First off, you had indicated that you would give Dan an opportunity to respond to that, if that prelude is on there.

MR. BLOUNT: No, no.

MRS. LONG: He's not going to hear the tape. No. That's ours.

MR. BLOUNT: He won't hear the tape, no.

MRS. LONG: No.

MR. BLOUNT: That's for the benefit of the [2] four people in the room.

MRS. LONG: Yeah.

(By Mrs. Long)

Q. Okay. I'd like you to state your name and spell it? Your full name. And also give me your age, and your address?

A. Alice Thompson, A-L-I-C-E T-H-O-M-P-S-O-N.

Q. And your age?

A. Twenty-two.

Q. Okay. And your address?

A. 1757 Shuler Avenue. Excuse me, that's my mother's address—1740.

Q. 1740, okay. Now we established prior to turning on the tape that Mr. Masana is not representing you, but we would like at least to have the background as to

how the two of you got together. So if you would tell us what...

MR. MASANA: Off the record.

A. I contacted him.

Q. Okay. Can you tell us when?

A. I don't know.

Q. This week? Last week?

A. (Inaudible.)

MR. MASANA: Could I interrupt?

[3] MRS. LONG: Sure.

MR. MASANA: It was two Mondays ago, because you remember last week I was on vacation, so it was two Monday's ago.

A. Oh, that's right, yeah.

Q. And what did you go to Mr. Masana?

A. Why? I heard that he was Billy's lawyer and I wanted to let him know that I didn't start all of this, the way it looks. Connaughtons approached me; I wanted somebody to hear my story about the way Connaughtons tricked me. (Inaudible).

Q. What I'd like then is for you to start with the incident prior to your arrest at K-Mart and explain what happened there, and then just work all the way through—just explain, you know, the difference steps if you can.

A. I'd rather not. That's part of the case, isn't it?

MR. MASANA: Well, I don't know what she wants to say. You were arrested for...

A. Yes, I was arrested for petty theft.

MRS. LONG: I just wanted to establish the times and all, and that sore of thing.

Q. So you were arrested for petty theft then?

[4] A. February '82.

Q. Okay. At K-Mart, Dixie Highway?

A. Yes.

Q. It's already part of this subpoena, and it's already part of the public record. Okay, so when did your case come to trial?

A. February '82.

Q. Okay.

A. I can't remember the exact date.

Q. That's fine. And what happened? Did you go to Court? Can you establish then what happened in Court.

A. (Inaudible).

Q. Okay, you went to Municipal Court on your Court day, right.

A. Ummm-hmmm.

Q. Okay, what happened then?

A. This is off the record? Only this is the part of the case I was instructed by my lawyer not to...

MR. MASANA: I think that may be part of the case. I think maybe suffice it to say the case were disposed of there, and...

MS. LONG: Ummm-hmmm.

Q. By disposition was it disposed on record, [5] on in the Judge's chambers?

A. No, I only talked to him.

Q. Before Judge Dolan?

(No audible response.)

A. And Mr. New was present?

Q. The day we went to Court? Is that what you're talking about?

MR. MASANA: Were you represented by counsel?

A. (Inaudible).

Q. Had you been to Municipal Court before?

A. Yes.

Q. Okay. Had you been represented then?

A. (Inaudible).

Q. But this time you weren't?

A. No.

Q. Why did you choose to do it that way?

A. I was just, you know... I just didn't get a lawyer.

Q. What month of the year were you in Court before?

A. Well, I couldn't tell you, it was a few years before that.

[6] Q. Maybe in '80?

A. Probably '80.

Q. Summer? Spring? Fall?

A. Summer.

Q. What was the charge—

A. Assault.

Q. Was that handled in open Court?

A. Umm-hmmm.

Q. By Judge Dolan?

A. (Inaudible).

Q. Okay. What was the . . . when you said your case was disposed of in open Court, what was your fine? Or did you have a fine? Were you found guilty?

A. (Inaudible).

MR. MASANA: Are you talking about the assault?

MRS. LONG: No, the other one. The second charge, the petty theft charge.

A. I can't remember to be exactly, what the fine was. I didn't keep . . . I threw my receipt away.

Q. Ummm-hmmm.

A. To tell you the truth, I can't remember (inaudible).

[7] Q. Okay. Okay.

A. I can't remember (inaudible).

Q. Okay. So you had . . .

A. I had a fine.

Q. But you did have a fine?

A. Yeah.

Q. You did have a fine. And you were found guilty then, right?

A. (Inaudible.)

Q. Was there jail time involved?

A. (Inaudible).

Q. Was it suspended?

(No audible response.)

MR. MASANA: Let me help her. Usually, in that particular Court, if it's a first offense, Judge Dolan will

say like a hundred and costs and thirty days in jail. Once the fine is paid and cost is paid, in most of those cases the jail term is suspended.

MRS. LONG: Suspended.

MR. MASANA: The jail term is put there as a sort of (inaudible) to make sure that they pay the fine.

[8] MS. LONG: Okay.

MR. MASANA: I suspect that's what happened in her case.

A. (Inaudible).

Q. Now, that's the only time that you've been in Hamilton Municipal Court.

A. Yeah—the first . . . the first charge, you know (inaudible).

Q. Okay.

MR. BLOUNT: Was that because you couldn't pay?

A. No. (Inaudible).

Q. I take it there's a distinction then?

MR. MASANA: Yeah, yeah. This is a sort of a combat between two people.

MRS. LONG: Now I'll get into that.

MR. MASANA: You're more apt to get jail time out of something like—out of violence than you are out of . . .

MRS. LONG: Okay. Out of something like a crime against a corporation or something like this.

Q. We haven't established yet, but did you [9] come to this meeting today on your own?

A. Yes.

Q. Okay. You were not asked to set up a meeting were you?

A. No, when I contacted my lawyer—I wanted to talk to Hank Masana—I told him what I wanted to talk to him about, to let them know—I want people to know the story here; how it come about, because right now people think that I went voluntarily, you know, started all this, and I didn't. I was approached.

Q. Who's your lawyer?

A. Matt Crehan.

Q. Does he know that you're meeting with us today?

A. Yeah. I guess. I'm not for sure.

Q. Who contacted the Journal News then? That part hasn't been explained to me.

MR. BLOUNT: (Inaudible).

MRS. LONG: Why was the Journal News chosen to hear her story?

MR. MASANA: Frankly, because she wanted the Journal News to hear, that was her approach to me. [10] A. I've been wanting you to hear the story, you know. In the beginning, I didn't know how to go about doing it, you know. I tried to tell the Cincinnati Enquirer, they've been calling my home too, but they won't print what I told them—they haven't printed what I told them; they only print what they want.

MR. BLOUNT: Did you talk to Carolyn (unclear)?

(No audible response.)

Q. Then let's get into—now that we've established that there was an appearance in Court, and that there was a fine, what happened then subsequent to your appearance in Court? As far as contact by the Connaughton people?

A. I never . . . I didn't meet the Connaughtons until about two weeks ago.

Q. Okay. Did somebody contact you, or did you contact them? How did this happen? Tell me your story?

A. I walked in my mother's living room, and there they sat with my sister.

Q. Who is your sister?

A. Patsy Stephens.

MR. BLOUNT: (Inaudible). August?

A. (Inaudible). I think it was August.

[11] MR. BLOUNT: Who was in the living room, your mother and your sister?

A. My mother and my sister.

(By Mrs. Long)

Q. Your mother's name?

A. Zella Breedlove.

Q. Spell it.

A. Z-E-L-L-A B-R-E-E-D-L-O-V-E.

Q. Okay.

A. Dave Berry, which is Dan Connaughton's brother-in-law.

Q. Okay.

A. Martha Connaughton.

Q. And she is?

A. Dan's wife.

Q. Okay.

A. Joe Cox.

Q. Who's Joe Cox?

A. Dan Connaughton says he's the head of his campaign.

MR. BLOUNT: (Inaudible).

A. Dan told me too. He's supposed to get the bailiff's job (inaudible).

[12] MR. BLOUNT: Bailiff designate, or something like that.

Q. Did you know about that meeting that you said happened in August, before September 1st, or around there?

A. The day I met them?

Q. Yeah, did they tell you . . .

A. Did I know they was supposed to be there?

Q. Yeah, did they tell you they were going to be here?

A. No.

Q. Was it intended for you to be there, or did you just happen in?

A. I walked in, but when I walked in my mother said, you know, this is my daughter Alice, and they said, oh, Alice Thompson, we'd like to talk to you.

Q. Why were they talking to the Connaughton people?

A. They come there to the house, you know. They had got Pat—my sister's name from June Taylor or John Ester of Channel 9.

Q. Who's John Estridge?

A. Channel 9.

[13] MR. BLOUNT: John Ester.

A. Ester. (Inaudible).

MR. BLOUNT: Why did they have your (inaudible).

A. (Inaudible) my sister.

MR. BLOUNT: (Inaudible).

A. I don't know.

MR. BLOUNT: Had your sister ever been involved in a DUI case?

A. That would be . . .

MR. MASANA: You said DUI.

MR. BLOUNT: Yeah.

MR. MASANA: She's been arrested before, hasn't she?

A. No. At Fairfield before.

MR. BLOUNT: For DUI?

Q. No.

MR. BLOUNT: I mean, nothing that MADD would be involved in?

A. No. Well, her son got hit when he was five years old. This wasn't (inaudible).

Q. This was Patsy's son that got hit?

A. Yeah. Only that's the reason why she was . . .

Q. So did she know June before?

[14] A. I have no idea.

MR. BLOUNT: Was the son killed?

A. No.

Q. So she was talking . . . they were at your mother's house talking to your sister—and just that they had had the names from June Taylor or John Ester of Channel 9 News—what were they there to be talking about?

A. Martha said she wanted to help in her husband's . . . we want to help . . . Martha Connaughton wanted to help in her husband's election.

Q. Did she say that to you?

A. Ummm-hmmm. I don't know what she had told Patsy and my mother . . .

Q. Uh-huh.

A. Before I got (inaudible) but she told me. (Inaudible) no I don't. I said how can I help, you know, I don't know nothing about elections.

MR. BLOUNT: Were you mad at the Judge, or did you say something to somebody, that somebody would have heard about it.

A. No. They said they knew the whole story about me (inaudible).

MR. BLOUNT: How?

[15] A. I don't know how.

MR. BLOUNT: They knew about your . . .

A. They knew all about me. They knew everything there was to know about me. Both times I've been in Court.

MR. BLOUNT: Did they say how they found out about you?

(No audible response.)

(By Mrs. Long)

Q. Did they indicate they had checked the Court records?

(No audible response.)

MR. BLOUNT: Did you ask them why they had singled you out?

A. It's involved with my sister. I don't know if she told them my name, or if they knew it before—they never did say. (inaudible) The next time we met they come to my mother's house and picked me up—I was supposed to be out there at 12:30 at night.

Q. Okay. This first meeting . . .

A. Yeah, they was wanting to know . . . well, if I go into it, it's telling about the case, you know.

Q. Okay.

[16] A. But it was wanting to know . . .

MR. BLOUNT: Let me ask this question.

At this first meeting you agreed to help them?

Or you agreed to meet with them? Or what did you agree to do?

A. No, they was just asking me questions about the court.

MR. BLOUNT: You didn't agree to anything, you just answered the questions?

A. Yeah, you know. They was doing all the talking. You know. They knew everything. They was telling me everything.

MR. BLOUNT: Then you were answering only yes and no?

A. Yeah. You know. They's say is this correct. You know. My sister Patsy told me it was alright, to go ahead and talk. You know. So I'd answer yes or no.

(By Mrs. Long)

Q. Is Patsy older than you?

(No audible response)

Q. How old?

A. She's thirty-two.

Q. Okay. So you went ahead and . . . what [17] were some of the . . . what were the major points covered in this conversation with them?

A. They wanted . . . Judge Dolan—I've never seen the man except for up on the bench; I've never talked to him.

Q. Why did they want to know about him?

A. I guess (inaudible).

Q. I mean, did they give you any other indication that there might be some problem with Judge Dolan, or something like that?

(No audible response.)

Q. What were some of the other points?

A. They asked me if I (inaudible).

Q. Did they ask you specifics about your . . . if you had any conversations with Billy New, and about that case? Did they get into specifics on that?

(No audible response)

Q. What happened then after that? What were some of the other things that they talked about?

A. That's all they was concerned about.

Q. Did they establish a second meeting?

A. Yeah, well I—no, I never seen them again until a few nights later they come to my mother's house at [18] 12:30 at night, Joe Cox and Dave Berry.

MR. BLOUNT: (Inaudible) at 12:30? Do you work or something that you'd only be available at that time?

A. No, they had changed cars and everything. They said they wanted to take us over to Dan Connaughton's house so nobody would know (inaudible).

MR. BLOUNT: Where does he live?

A. Fairway Hills.

Q. Okay. Who was involved there at that 12:30 meeting?

A. That come and picked us up?

Q. Yeah? And who was at your house and all the rest of it?

A. My mother was sitting in the yard.

Q. Was this a weekend night?

A. No.

Q. So it was a week day?

MR. BLOUNT: This would have been in August also? Or early September?

A. No, I think this was the first part of September.

Q. Do you know if it would have been before [19] or after Labor Day?

(No audible response.)

Q. So your mother was sitting in the yard; who else was there?

A. Ah . . .

Q. This was at your mother's house, I take it?

A. Ummm-hmmm.

Q. Okay.

A. My mother was there, Patsy, and (inaudible).

Q. Okay.

A. No one that was up, you know, that would know what was going on except my mother and me and Patsy.

Q. I take it that there were children in the house, or something, that were asleep?

A. Yeah.

Q. Okay. Who drove up then? Who was in the car?

A. Dave Berry and Joe Cox.

Q. Only those two?

A. Ummm-hmmm.

Q. Okay. And what did they tell you?

A. They said they wanted us to come with them to Dan Connaughton's house to talk, and nobody would bother [20] us; nobody would know we was over there.

Q. You hadn't met Dan Connaughton the first time then, had you?

A. No. They just took us (inaudible).

Q. Okay. And this was in the first part of September—I mean, it wasn't like after Labor Day, or the middle of September, right?

A. Yes. I can't swear on it, you know.

Q. Okay. And they wanted you to talk then. Okay. What happened then?

A. We went to their house—went over to Dan Connaughton's house, and Dan Connaughton, Martha Connaughton, and two of their neighbors across the street was over there.

Q. Do you know their names?

A. I think their last name is Burns, but I'm not for sure.

Q. Okay. So this would be across the street from Dan, right?

A. Yeah.

Q. Okay.

MR. BLOUNT: Is it Burns, or Barnes?

A. Barnes—Burns or Barnes?

Q. Do you know what he does?

[21] A. He's a fire . . . fire chief or something; his picture was in the paper.

MR. BLOUNT: Ernie Barnes and Jeanette Barnes?

A. I think that's it. His picture was in the paper; his name was in the paper not too long after that.

Q. Okay. Did they indicate that they lived across the street? Or did you see them come across?

A. Yeah. Dan introduced us and told us they lived (inaudible).

Q. Now did he explain why they were invited to this meeting?

A. He wanted another witness there because they had three tape recorders going.

(Comments off the record.)

Q. Okay. So he was counting . . . was he counting Berry then, and Cox as his witness, or . . .

A. (Inaudible) Dave Berry and Joe Cox (inaudible)

Q. Okay. Then what happened?

A. They introduced theirself as (inaudible) of Dan Connaughton. They introduced me to the neighbors, and they started talking to Patsy first. They asked Patsy a lot of questions.

[22] MR. BLOUNT: Were they about her or about you? The questions they asked?

A. About her.

(By Mrs. Long)

Q. Did you get an idea then as to why they knew her, or why they were always bringing her along?

A. Well, I'll get to that.

Q. Okay. Keep talking.

A. They started asking me a bunch of questions so I asked Dan Connaughton—I said, let me ask you this. I said why are we here? I said why are you doing this, you know? I said, what's the whole deal? And of course, he turned off the tape recorder. And he said, I'll tell you

the truth. He said, all I want is to get enough evidence on Billy, he said, and have Billy to resign. And he said, of course, if Billy resigns, Dolan will resign, and he said, then I can just step up on the bench. And I know Dolan (sic) wanted me to say things I guess, about Dolan, but like I said, I don't know the man. But he said right out of his own mouth, all I want to do is to get a story in evidence on them, to meet them face to face, and show them what evidence he had against him, or whatever, to get them to resign, and no more would be said about it. [23] MR. BLOUNT: Did he indicate how he would go about that?

A. He said he would just like to meet them face to face and play tapes, you know, and show them . . .

MR. BLOUNT: What tapes did he mean?

A. . . . evidence, and just scare them into resigning.

(By Mrs. Long)

Q. Do you know much about how people are elected, and how they assume office?

A. No.

Q. Okay. So in other words, based on what he said to you, you believed him?

A. Blackmail. I mean, you know, the way he phrased it, the way he said it, you know. He said all he wanted to do was get enough evidence on Billy, and he also used Dolan's name, which I don't know what he was going to get on Dolan—to scare them into resigning. I said what happens when they resign? Nothing more will be said about anything. He said when I take the bench nothing will be said. And I told him then he was crazy.

MR. BLOUNT: Was this tougher than going to Court?

[24] A. What?

MR. BLOUNT: Was being questioned by the Connaughtons tougher than going to Court?

A. Ummm-hmmm. They turned that tape recorder on and off so many times, you know, left out what they wanted to.

MR. BLOUNT: They had it on when you were talking and off when they were talking?

A. I don't think Dan Connaughton's voice is on it.

MR. BLOUNT: Did they play it back for you?

A. No.

MR. BLOUNT: Did they offer to give you a copy?

A. No.

(By Mrs. Long)

Q. But you did tell them what had happened then between . . . when you were in Court?

A. Well, first I asked them what I was going to get out of it.

Q. What did they promise you? Or what did they say when you asked them?

A. They said my help would be deeply appreciated. [25] And they went on to talk about the three weeks vacation they was planning on taking when the election was . . .

Q. He was planning to take three weeks vacation?

A. Yes, the family—Dave Berry and Martha, and Dan.

MR. BLOUNT: They wanted you to go along?

A. Me and my sister would be welcome to go along with Dave . . .

(By Mrs. Long)

Q. Did they say they would pay your expenses?

A. Yeah. I made it clear to them that I couldn't afford a trip to Florida.

MR. BLOUNT: Was the tape recorder on at that time?

A. Oh, no.

(By Mrs. Long)

Q. Now where were they going to go?

A. Three weeks in Florida.

Q. And they added Disneyworld?

A. (Inaudible) a three weeks trip to Florida. And they had a friend in Florida that wouldn't be home at the time, that we could stay at their condominium.

Q. That was a pretty generous offer. Why [26] Why would he say—make such a generous offer to you?

A. I don't know. And they would try to find me a right job, because I'm out of a job, you know, and I'm having a little financial problem. They want to help me out as much as possible.

MR. BLOUNT: What kind of work do you do?

A. Waitress (inaudible) They was to find me a suitable job.

(By Mrs. Long)

Q. How long have you been out of work?

A. (Inaudible).

Q. When you asked them the first time, what was I going to get out of it, did they say anything more than just that your help would be greatly appreciated?

A. Yeah, that's when I went into the story about the ...

Q. The vacation? So you only had to ask once, what am I getting out of it? What had you expected to get out of it?

A. It blowed my mind when they told me all this, you know.

Q. Had you expected anything?

A. I didn't really mean the question, you [27] know, to actually get something, you know—I just meant it like you know, what am I going to get—kicks, you know. Why should I do this. Really, I didn't expect—you know, to hear them say something like that.

MR. MASANA: There's more. Tell them about it.

A. Okay. All about the restaurant and everything—that was another day—we didn't get into that (inaudible).

Q. So you did cooperate with them at this point, and for the second time in front of Berry and Cox, you repeated your story, right?

(No audible answer.)

Q. Okay.

MR. BLOUNT: Did you tell them anything after they made their promises that you wouldn't have told them if they hadn't made promises?

A. They already knew.

MR. BLOUNT: Everything. In other words, they ...

A. They knew everything when they approached me. You know, I didn't tell them nothing else but they already knew.

[28] MR. BLOUNT: So all they wanted you to do was put it in your own words on the tape?

A. On the tape.

(By Mrs. Long)

Q. The promise was made after you gave them the statement? Or before?

A. The tapes was going on. They started asking me a bunch of questions, and I asked them, you know, what was going on? And he told me, you know, (inaudible) my help; he said my services would be greatly appreciated.

MR. BLOUNT: Was it Dan Connaughton himself who talked about the trip?

A. Yeah. He did most of the talking in the living room. Like I said though the tape recorded was off when Dan spoke.

Q. Did he also promise you to find a job?

A. Yeah.

Q. Why did he offer to find you a job?

A. Because the day at the house, going back to the first time I met them, Martha was asking me did I work, or anything, and I was telling her I was looking for work. I had been out of a job. Evidently she must have talked to her husband about it, and that night over at his home, he [29] said are you employed now, you know,

did you find a job, and I said no. So he said, we'll see if we can't do something about that. I told him I wanted away from bartending and stuff; he said we'll see if we can't do something about it. You know, a decent job.

Q. Did you feel at that point that you could depend solely on him to get you a job? I mean, if you just waited it out until the election then he would suddenly right after the election say, oh, by the way Alice, here's a job in my office, or something like that?

A. (Inaudible) And another thing, he specifically said the names—me and my sisters names would be unidentified; nobody would know who we was. And that nobody would hear the tapes except the ones. . . He made that promise.

MR. BLOUNT: Did he say anything about playing the tapes for Judge Dolan?

A. Oh, yes, I guess he was talking about the tapes, because he said he wanted to meet them face to face and show them the evidence. But as far as anybody else, the public, or anything like that—or it going to Court, we wouldn't have to worry about it; we wouldn't have to go to Court and our names wouldn't be on there.

[30] MR. BLOUNT: Your name wasn't on the tape; your full name wasn't on the tape?

A. No.

MR. BLOUNT: Was the name Alice on the tape?

A. Alice. But you know, like I said, as far as going to Court—it wouldn't go to Court—because I told them at the beginning that I didn't want to be involved in no Court thing. They said it would not go to Court, and our names would not be identified.

(By Mrs. Long)

Q. Is there anything more about that second meeting that we should know about?

MR. MASANA: Off the record—you were saying something about Dan was encouraging you to say things in a certain way?

A. Oh, yeah. He was leading me in questions, you know.

(By Mrs. Long)

Q. Can you give us an example?

A. Well, he kept on trying to get me to say that Dolan had something to do with this, you know.

Q. Would he phrase it in a question? Like, [31] did Judge Dolan have anything to do with it?

MR. BLOUNT: Wasn't it true that Judge Dolan did this, or something?

A. Yeah, you know, and so on. But like I say, if you listen to the tapes you're not going to hear it, because his voice ain't on the tape. If it is, it's just a few words that he's saying. Maybe his lectures, you know.

(By Mrs. Long)

Q. All three tape recorders. . .

A. When he was giving his good samaritan lecture.

Q. What was the good samaritan lecture?

A. Oh, you know, what a deed; I'm just trying to clean up the Courts, and everything. But yet he's doing it—I mean—you know. . .

MR. BLOUNT: (Inaudible).

A. If Dolan would resign—which Dolan ain't got no reason to resign, along with Billy, nothing would have been said about this. This wouldn't have went to Court.

(By Mrs. Long)

Q. But at that time—you sound like now you're convinced that Dolan had no reason to resign—but at the time when he was making the promise that you wouldn't know—[32] or that nobody else would know about your involvement, you're saying that. . .

A. I didn't never say nothing about Dolan, because like I said, I've never talked to the man; I've never seen him except for inside the courtroom?

Q. Okay. Did he have you—did he lead you, as you say, on the new aspect of the case? I mean, did he ask you various questions around New, to agree that. . .

A. Yeah, he said really say the answer, you know, and say is this the way this happened, you know. But like I say, I can't go into that, because that. . .

Q. Sure. So it was a yes, no, situation for you in that he'd phrase it a certain way and all you had to do was yes or no?

A. Ummm-hmmm. And then, you know, he'd say to repeat that.

MR. BLOUNT: You say you were picked up about 12:30, and I assume you were probably there about 1:00 o'clock?

A. No, we was over there at 5:00; we was over there at 5:30 in the morning.

MR. BLOUNT: 5:30 in the morning? That's what I was going to ask you.

[33] A. Because Martha Connaughton asked me to spend the night. Because I was complaining that I was tired and sleepy and wanted to go home and take a bath. She offered me a gown to sleep in and told to take a shower?

(By Mrs. Long)

Q. Did you?

A. No.

Q. Did you think it was rather strange that somebody in the middle of the night would come over to your house and say . . . did you ever ask them why they couldn't carry this business on in the daytime hours?

A. No, because what you want to do, you want to sneak and get enough evidence on Billy, and like I said, I don't know what he's (inaudible), and Dolan to get them to resign.

Q. Okay. But so the reason why it was at dark was so that nobody would see you go into the house?

A. Yes.

Q. Isn't dark a little bit earlier than 12:30?

A. (Inaudible.)

MR. BLOUNT: So that was the second meeting? You indicated earlier there was another meeting?

A. Ummm-hmmm.

[34] (By Mrs. Long)

Q. Did you—did you have phone numbers or anything like that? Did he say contact me if you think of anything else, or encourage you. . .

A. He did say that, but I didn't get the phone number; I don't know if my sister did or not.

Q. But you didn't contact him between meetings?

A. The number is in the book.

Q. Okay.

A. No, I never did contact him.

Q. Okay. The third meeting—then?

A. I don't know how long—how far (inaudible)

Q. The first and second? Or the second and third?

A. The second and third.

Q. Okay.

A. I picked up the phone one night and it was Dave Berry.

Q. About what time?

A. 8:00 or 9:00 o'clock. And he said, Alice, he said I need to come and pick you and Patsy up in a little while, and I said why. He said, I just want to talk to you. So he said to have Patsy to call him back, so Patsy called [35] him back and talked to him—I don't know what was said, but they come about 8:00 o'clock the next morning to pick us up.

Q. Okay. You don't know how long there was between it—are we talking early September, middle of September maybe?

A. It was probably about a week.

Q. A week later?

A. Or a week-and-a-half.

Q. Okay. So one meeting was like—the second meeting was like at the beginning of September and then further into September, about mid September, there was another meeting?

A. Yes.

Q. Is that—I don't want to put words in your mouth, I don't need to do that.

A. Yeah, I guess. Well, I'll tell you, the day. . .

Q. Had Billy resigned yet?

A. I'll tell you how I remember the day—the date the meeting was. It was the day that Billy resigned from Court. September . . . 27th?

MR. BLOUNT: (Inaudible)

A. September 27th.

[36] Q. Okay. So it was the morning that Billy resigned?

A. Earlier that morning, yeah, they called.

Q. Okay.

A. But I'm not saying those two are linked together.

MR. BLOUNT: You didn't know that he had resigned?

A. No.

Q. So you went to the meeting with Berry, then found out at night. . .

A. Dave Berry and Joe Cox and Martha Connaughton.

MR. BLOUNT: Did they tell you about Billy?

A. He hadn't even resigned yet.

Q. So the notice wasn't in the paper; you picked up the paper after you got back from this third meeting? I assume you picked up the paper.

MR. MASANA: She can tell it now.

A. They had us all day. They said they was the only one that could talk to us about that.

Q. Okay.

A. They come and picked us up that morning and they took us over to Dave Berry's wife's office; she's [37] an interior decorator.

Q. Where is that office located?

A. Hamilton Cleves.

Q. Okay.

A. They took Patsy in the one room and was giving her a polygraph test. They wanted me to take it but I wouldn't.

Q. Did you see the equipment?

A. No.

MR. BLOUNT: She told you about it?

A. Yes.

(By Mrs. Long)

Q. Had she ever taken one?

A. On the way over there, you know, they was telling us what they wanted, you know. Patsy (inaudible)

Q. So Patsy went in and took the polygraph test?

A. Yeah, they had her in there a couple of hours, and Dave Berry, Joe Cox and Martha Connaughton sat out in the other room and talked to me. So after they did that we went to (inaudible).

Q. Did they explain why they thought you had to take a polygraph test?

[38] A. I imagine they was doing it (inaudible).

Q. I mean, did they establish why it was necessary?

A. They wanted me to take the polygraph test you know, so they could—I guess be sure, you know, if what they asked me was true. (Inaudible)

MR. BLOUNT: Wasn't Cooney there too?

A. Conney come in.

Q. Cooney?

A. Ummm-hmmm. He walked in and Dave Berry introduced me to him. After we left there, they had us there for hours.

MR. BLOUNT: It was late in the morning? Lunch time?

A. It was lunch time.

Q. You left at lunch time?

A. Yeah, everybody gone, they was hungry. So then we went to Dan Connaughton's office.

Q. When you refused to take a polygraph, did they try to put pressure on you to take the polygraph?

A. They kept on asking me, Alice, why don't you; why don't you. I just told them I didn't want into anything like that.

[39] MR. BLOUNT: Did they offer you anything to do this?

A. They had already offered me the trip and everything, but I didn't . . . well, what got me to thinking, you know, because here they want a polygraph test and everything; they had already promised that our names wouldn't be mentioned that nobody would know about us, and here they've got some man coming in and giving polygraph tests that knows all about it. Cooney comes in, and I asked Dave Berry, I said, what's he doing here, you know, because he introduced me. I said, you said nobody knew about this. He says, Oh, Cooney had already heard the tapes. I said, how many people has heard the tapes? He said about ten.

Q. Did he say who?

A. No. I asked him who, and he wouldn't say. He said about ten people. . .

MR. BLOUNT: How did you feel at that time?

A. I was so mad. (Inaudible) is what I did. He said they was people he could trust. I said fine, our names ain't supposed to be used, and I said here half the town already knows. Right then, you know, they had already tricked us, you know. Here everybody already knew. . .

Q. Who told you that they were people you [40] could trust?

A. Dave Berry, when he introduced me to Cooney, when I (inaudible). He said Cooney knew all about it.

Q. Okay.

A. We left there and went to Dan Connaughton's office.

Q. Did they get you lunch?

A. No, not until after we left Connaughton's office; Connaughton took us out to lunch.

MR. BLOUNT: Who was in his office? The same three?

A. We walked in his office and Cooney had beat us back over there; Cooney was sitting in Dan's office.

Q. Did they indicate that their case would be lessened if you didn't take the polygraph? That it would be weakened?

A. Ah. . .

Q. You say you were in Connaughton's office? Who all was there?

A. Well, me, Patsy, Joe Cox, Martha Connaughton; Dave Berry drove over there, and Cooney was in the office with Dan.

Q. Martha didn't go?

[41] A. Yeah, Martha was there.

Q. Martha was there. Okay.

A. Cooney was in the office with Dan. And he had just got . . . Dan said he had just got there to give them the news that Billy had resigned, and that Dolan had just walked over to the Journal News to (inaudible) that Billy had resigned. That's what they was talking about when we got . . .

(Comments off the record.)

A. That's what they was talking about when we went into the office. Because they was . . .

Q. Dan and Cooney were talking about that?

A. Yeah, and then they told us, you know, what they was talking about; that's their conversation, that's what they was talking about.

Q. How did they find out about that?

A. Cooney, I guess. Cooney said he was there, and you know, he gave it to him.

Q. This was before the paper came out?

A. Ummm-hmmm.

Q. Cooney knew of that then?

MR. BLOUNT: He was in the Municipal Court or in the Journal office.

[42] A. I don't know.

Q. He didn't establish how he came by that information?

A. No.

MR. BLOUNT: Because I think the Judge came about (inaudible).

A. He knew all about it, yeah.

Q. Okay. Then what was your conversation afterwards?

A. That's when Connaughton got upset because Dolan didn't resign. And I asked him then again, why should he (inaudible) resign, you know. I said, you're crazy if you think the man's going to give up the bench just like that for you. And that's when he said I want to press charges. My sister (inaudible) because he said he was going to file charges, and I said, file charges against who, and he said Dolan. I said, wait a minute; I said, you told us that our names wouldn't be identified; that we wouldn't have to go Court, and I said, you know—I didn't want to go to Court, I didn't want involved in any more of this. He said, I'm sorry, but he said, I have to do something. Then he got on the phone and called John Holcomb; he said I'll get you immunity. He got on the phone and he was talking to Holcomb [43] then he hung up, and he said okay, I'll get you immunity; he says you'll just have to lie low, and I told him (inaudible) I won't go to Court. And I said, I won't testify.

MR. BLOUNT: By lie low, were you going to hide somewhere?

A. Yeah, I'm going to get into that. They was wanting me and my sister to stay over at their house until this was all over. I said lie low, but our names would probably come out now. I was so afraid, you know, because I didn't want my name mentioned. He said not to worry that they would protect us and that we could stay

at their home until all this—until the election was over with. They wanted us to stay at their home.

MR. BLOUNT: Who would protect you?

A. I don't know.

(By Mrs. Long)

Q. Okay. You were talking about that they wanted to protect you and that they wanted you to stay—okay?

A. They said we could stay at their home; Dave Connaughton (sic) said we was welcome to stay at his home until after the election was over.

Q. Did he indicate why?

A. So people—so we wouldn't be at harm, was [44] way he put it, you know, so our names wouldn't come out. And I wanted it, you know.

Q. Did you think it was physical harm, or did you think it was more like emotional type stuff?

A. Yeah.

Q. Distress?

A. Yeah, I guess. Just like people's thinking right now, you know, that I'm a rat and I'm a snitch, but I'm not. It sounds like it. You know, I didn't approach—what I'm trying to say, I didn't approach the people; I didn't say here, I want to tell this; I know this, those people come to me.

MR. BLOUNT: Okay, what happened? What did he say when you apparently refused to go to his house with him? (inaudible) to lunch?

A. Well then (inaudible) to lunch and they took us out to lunch at Bob Evans.

MR. BLOUNT: You mean the one on Route 4, in Fairfield?

A. No, it's on . . .

MR. BLOUNT: Northgate?

A. The way we went . . .

MR. BLOUNT: Near (inaudible)

[45] A. No, because when we come back—when we come back we was out on Hamilton Cleves highway.

MR. BLOUNT: Out on Colerain?

A. Alright.

MR. BLOUNT: Colerain (inaudible).

A. The reason why we went there because he didn't want people to see us.

(By Mrs. Long)

Q. Did he say that?

A. Ummm-hmmm.

Q. How did you feel about that?

A. I felt low.

Q. Did you object?

A. No, I was starved to death. (Inaudible)

Q. Okay.

A. So we got in the restaurant and Dan was talking about his victory party; he was so sure he was going to win the campaign (inaudible) we're going to win the campaign, you know, that was his words. And he said he wanted me and Pat to definitely be there, and for a victory dinner he wanted to take me and Patsy to dinner at the Maisonette.

Q. This would be after he wins the election?

[46] A. Ummm-hmmm.

Q. But he called the lunch over at Bob Evans also a victory dinner, or victory lunch, or victory celebration?

A. (Inaudible) he said that he wanted to take us out for a victory dinner when he won the election. And then he was talking about restaurants and we got on the subject—well, we was on the subject of restaurants and he asked me what my mother and father was doing. They had heard through Patsy—I guess Patsy had said something about it in earlier conversations that my mother was a good cook, that she used to run a restaurant, and Dan started talking about, he's got a lease coming up on Council Chambers; he's got it leased out, him and his brother, I think.

MR. BLOUNT: On Court Street?

A. Yeah, owns the building. And the lease is almost up on it. I think it comes up—the lease is up in September. And he said he was thinking about putting a restaurant in there, and he was wanting to know if my mother and father would run it for him. And I said oh yeah, my mother would love to get back into the restaurant business. He said good, when the lease is up, he said, we'll tear the inside out and put a restaurant in there, and he said, your [47] mother and father can run it, and he said that way, he said you girls can help run it too, and put your sisters in there working too; he said just . . . he even made up a name—Breedlove's Lunch or something like that. Ma Breedlove's Cooking, you know. He had the names figured out and everything. He offered to buy us a restaurant, you know, and put us in that building.

Q. Okay. So it would just be your parents being a manager, they wouldn't have to buy—did you understand him that they wouldn't have to . . .

A. Oh, they was going to do everything, you know. They was just going to put us in there to work, or to run it. They wanted my mother to run the business for them.

Q. Did they ever mention then afterwards, since we're talking about a restaurant which was kind of one of his promises for getting you a job—did they ever mention again the three week vacation in Florida?

A. Oh, they was always talking about that, and what a good time we was going to have in Florida, you know, we can't wait until the election is over with until we get away in Florida.

Q. But they always included you and said, [48] you know, we're all going to do this?

A. Oh yea, because you know, they said, you've been in Florida before haven't you Alice? I said yeah. And then they'd ask Patsy and Patsy said no, and they said, ah, you wait until you get there. You ain't going to believe this and you ain't going to believe that—they was always talking about the trip to Florida.

Q. Okay, so what else happened now? Or did anything else happen?

A. Mostly, you know, just having conversations.

Q. Okay. Did you still stay with them then after lunch?

A. Yeah, we went to . . . we dropped Dan back off at his office . . . excuse me, Dan drove his car. He drove back to his office. Yeah, and we followed him back to his office. He went back to his office; we went to Connaughton's house and we stayed there until about 10:00 o'clock that night.

Q. And where did you have dinner?

A. Connaughton's.

MR. BLOUNT: Who was there for dinner? The same group?

A. No. Dan had come in, but he left; he went [49] to go bowling. He was gone for a couple of hours. Joe and David had to go pick him up because he had too much to drink. I mean, he called home—Martha called him at the bowling alley and she sent them after him. He was pretty loose when he come through the door.

Q. You've seen people drunk before then?

A. Oh yeah, I'm a barmaid. I've even got 'em drunk.

Q. Okay. What else?

A. He come in, you know, and he was like, like I said, you know, pretty loaded, and he started talking about the campaign and everything, you know, and how good he felt about it because he knew he was going to win this election. He appreciated what we was doing and he couldn't wait until we all got away; that's when he went back on the subject. Then we got on the subject of the restaurant again, and we talked about food, and we was talking about my mother's cooking, you know—we got on the subject of the restaurant again, and how he was going to put us in the restaurant. At that time, it was 10:00 or 11:00 o'clock and I was tired, so we asked Dave Berry and Joe Cox to take us home.

Q. About 10:00 o'clock?

A. 10:00 or quarter after 10:00.

[50] MR. MASANA: I'm going to interject. What about the job you were promised?

A. Oh, when they promised me, you know, the secure job and everything, they also promised—they promised Patsy a job too.

(By Mrs. Long)

Q. That she would be in with Breedlove's Lunch, or cafe?

A. No, they promised Patsy a decent job, you know.

Q. That she would be (inaudible).

A. That she would be good up in Court. That come out of his own mouth. That come out of Dan's mouth; he said we need somebody like you up at the courthouse. Municipal Court.

Q. When did he say that? Which meeting, first, second or third?

A. Second, I believe. That's the same time he promised me the job (inaudible).

Q. Okay.

MR. BLOUNT: When you left there at 10:00 o'clock that night, have you heard from them again?

[51] A. I didn't. I don't know if my sister has been in touch, or if they've been in touch with her. I didn't hear from them any more until the detectives . . . the detectives called. They said they was . . .

MR. BLOUNT: (Inaudible)

A. 29th-28th or 29th. It was during the week that they was doing that investigation that the paper told about. The detectives contacted and (inaudible) up to the police station to question me.

Q. The detectives were the ones that called—did you seen Dan then, or . . .

A. No.

Q. Okay.

A. After I come back from the police station he phoned the house and I talked to him on the phone.

MR. BLOUNT: Obviously you can't give us any specific questions and answers, but did they ask you anything about whether you had any opportunity (inaudible)?

A. Yeah, cause when I went in, I asked them right off the bat—I said, alright, whose side are you on? They said what are you talking about? I said, well, this is like a war, either you're one one side or you're on the [52] other and I don't want to say nothing that's going to offend you, you know—I want to know whose side you're on. And they told me, you know, there was a politic . . . you know, involved politically involved, and they went on questioning me about the case. I explained to them the whole story, how it got off to this, or that, you know. They was embarrassed evidently.

MR. BLOUNT: (Inaudible) the questions?

A. I told them, whether they wanted to hear it or not, they had to listen to me. When I come back—I come back from the police station and Dan Connaughton called my house.

(By Mrs. Long)

Q. Now called which house? Your mom's, or yours?

A. My mother's.

Q. Okay.

A. My mother's. That's where I stay almost all the time.

Q. So you must have stayed at your mom's then rather than going back . . .

A. Yeah, it's right across the street.

Q. Oh, okay.

[53] A. That's the reason why I'm over there all the time.

Q. Okay.

MR. BLOUNT: And what did he have to say to you?

A. He said that he found out that I was took up town; that I was asked up town for questioning, and he was wanting to know what all they asked me. And I said you should know, you know, you caused all of it, you know. Me and him got into it. I told him—I said if it

wasn't for you I wouldn't be involved in this. I said, cause you said our names wouldn't be mentioned in all this. I said, you approached me; I didn't approach you. I said, you lied to me from the beginning. He said, I'm sorry you feel that way; he said it's not too late for you to change your mind and get back on the right side, because I told him I wouldn't cooperate, I wasn't going to go to Court and all this. I told him that I was against him, and I was against him being Judge and all that. And that's when he told me it wasn't too late for me to change my mind and get back on the right side of the bench. His side. We had a few ill words, you know (inaudible) and I hang up on him.

MR. BLOUNT: Did he know that you'd been [54] sitting in the Police Department?

A. He knew I was up there for questioning.

MR. BLOUNT: Did he know that you had said something about your meetings with him (inaudible)?

A. I told him I was going to tell everybody. I was going to let everybody know why. I said the only reason why, I said, you did this—I said it come out of your own mouth—I said, cause you want Billy and Dolan to resign. And I said when Dolan didn't resign, I said you got mad and brought all these charges on him. And he said, you're upset, you're upset. And I hang up on him. So then the day that Billy was arrested, that evening, he called—he called the house again. And he said I just wanted to see how you took the news about Billy getting arrested. I said what business is it of yours how I feel about it; I said I ain't got nothing to say to you. He said well, I thought you'd like to know that your name was typed on the warrant, you know, served to Billy, and I got really upset over that then.

Q. Did he tell you that there were other names typed on that warrant?

A. No. He just . . . he had me going into fits over some of the things he said. He said, it's you . . . it's [55] all about you. You (inaudible). Just wanting to upset

me more; that's what the phone call was about, you know. He just kept on saying you've got to go to Court now, you've got to go to Court now, you know. And I told him, I said you tricked me. I said it wasn't supposed—the names wasn't supposed to be mentioned; you promised me this, you promised me that. We got into it and everything on the phone, and then right before I hang up, he says Alice, he says, why don't you change your mind. he said, and get back on the right side; he said, get back on my side. I said no.

Q. Well now had you said that you were not going to cooperate at all? Is that why he kept saying get back on my side?

A. I told him I didn't want no part of this, and I didn't want to go to Court, and I wasn't going to go to Court.

Q. Do you have any (inaudible)?

MR. BLOUNT: (Inaudible) any questions?

A. All I want is to leave me alone. I didn't voluntarily go up there, you know, until . . . those people approached me; they promised me different things. Everything they promised me they didn't go through on it. And all he was trying to do by this, is like he wrote a letter to the [56] editor the other day in the paper, and people was hollering that it was dirty politics. That's all it is. It come right out of his own mouth; he told me—it's not hearsay, it's what I heard with my own ears; he said he wanted to get ev . . . scare them into resigning. That's what he said. And when that happens, there wouldn't nothing more be said about it, he said.

MR. BLOUNT: What do you think will happen when we call him? Will he deny ever having met with you? Or calling you?

A. He won't deny meeting with me, but he'll deny probably what I'm saying. Because he told me on the phone, he said, you're upset, you don't know what you're saying; I know exactly what I'm saying.

MR. BLOUNT: You've had some time to think about this. I mean, obviously—at least two weeks or more.

A. And I've been wanting to say something, you know, from the beginning, but the way he lies and everything, I was scared to death, you know, well, if I say anything, if I don't, you know, ask somebody if it's alright if I talk, you know, I was afraid he could throw a charge on me, you know, or something. It's none . . . it's all the [57] truth, you know. But him being a lawyer and everything, I wanted to make sure he couldn't get me in trouble for speaking.

Q. Now, all the times that he came and picked you up, or took you places, did you go on your own?

A. Yeah. But I was, you know . . . my sister, she is one of the reasons why I talked to him and everything, you know, because she kept on telling me Alice, it's alright, just talk to them, tell them what they want to know; they already know everything Alice, so you might as well talk to them.

MR. BLOUNT: Obviously, we can't quote your sister from you (inaudible). What's your sister's position in this, would she support you or would she support him? In other words, if somebody said to her, who's telling the truth here?

A. She'll tell you about the trips, the dinner at the Maisonette, the jobs and everything. She'll tell you that's the truth, because they was offered to her too.

MR. BLOUNT: Does she know that you're here today?

A. I haven't talked to her today.

Q. Did she know that you were planning on [58] getting with us?

A. I kept on telling her, you know, that I was going to talk to the Journal News (inaudible) listen to me—get the whole story because the Enquirer like I said, has been calling there to the house. They've just been trying to put words in my mouth; they won't print what I told them, you know, they just print what they want to print.

Q. Now, you would . . . would Dan tell us that you were a friend when we ask him about this going on vacation and stuff like that?

A. I don't know if he thinks a man's a friend now after the way I talked the last time he was on the phone.

Q. Did you feel like a friend towards him, like maybe in the second meeting, or the third meeting, that sort of thing?

A. I just thought, you know, our names wouldn't be mentioned, and we'd get something out of it.

MR. BLOUNT: Obviously, we'll proceed from here, and Pam will, of course, write the story.

(Inaudible).

A. I just want people to know. Because they shouldn't vote for a man that is this dirty, you know, because I call it blackmail, what he was trying to do.

[59] Q. Blackmail of Judge Dolan?

A. Umm-hmm. I mean, Mr. Dolan was, like I said, as far as I know, he's got nothing to do with this, you know, this case and everything. And what a perfect time for him to bring all this up; you know, right before election and everything. That's all it is, it's just this election. He's just trying to win his way up on the bench that way, and I think the people's got the right to know what kind of man he is.

MR. BLOUNT: Again, for the benefit of the tape, and for everybody's benefit right in this room, were you coached in any way in what to tell us? Did anybody suggest that you . . .

A. No.

MR. BLOUNT: . . . tell us. What you told us is what you've already told people of what you want . . .

A. What I've been wanting to tell somebody from day one, you know.

MR. BLOUNT: And we made no promises to you?

A. No. If you made any promises to me, I'd hit the door.

MR. BLOUNT: We might give you an extra [60] copy of the paper, but . . .

A. I really tricked you into that.

Q. Did you realize at the time he was starting to make these offers to you that something wasn't right?

A. I knew it wasn't right, you know, but . . .

Q. Would you have taken it though? At the time?

A. If my name would have never been mentioned. I mean, you know, you want the honest truth.

Q. Sure.

MR. BLOUNT: Did you think that this was just the way the system worked?

A. I think that's the way it works.

Q. Okay, now, when you were in Court with Mr. New, did you think anything was unusual there? I mean, would you have gone and told somebody else? If the Connaughtons hadn't gone and talked to you, would you have gone and talked to, like say, the Prosecutor or somebody else?

A. No, I mean, you know, cause I went into Court, you know—I faced charges, you know.

MR. BLOUNT: And you understood why you were there, I mean . . .

Q. You didn't see anything . . .

[61] MR. BLOUNT: Did you feel like . . .

A. Well, like I say, you know, even the first time I went to Court, you know, when we first started, you know, which was assault and everything, I served two-and-a-half days in the county jail and everything—I did my time, you know.

Q. Who represented you the first time that you were in Court?

A. Matt Crehan.

MR. BLOUNT: Now has Matt ever said anything to you either for or against Judge Dolan? In this campaign?

A. No, I just, you know (inaudible).

MR. BLOUNT: And you haven't talked to him?

A. No.

Q. Do you know what Matt Crehan's leanings are, in terms of this race?

A. (Inaudible) I hope he's on the right side.

Q. I mean, you don't know—you don't know which one he supports?

A. I can't speak for him personally, no.

Q. Have you heard which side he supports?

A. I guess Dolan—I hope. I hope (inaudible).

[62] MR. BLOUNT: What would happen if we called your sister—would she talk to us? Or would she be upset with you? Or would she be upset with us? Or both of us? Or . . .

A. I think she's scared right now to talk to anyone, because the Cincinnati Enquirer has been trying to get her to talk to them. She's getting scared now since this is all reality. My sister is . . . sh's kind of weakminded when it comes to anything like that. She won't do nothing for nobody unless she thinks she's benefitting from it. And she honestly thought she was getting a job out of this, and would make something of herself out of this. And The Connaughtons just used her all the way. And now since she's seeing that it's coming down to where she ain't going to get nothing out of it, she's brought up in the middle of all this and everything, she's scared.

MR. BLOUNT: Now in looking at the list of the people who were subpoenaed for the Grand Jury, most of them would be neighbors of yours, right?

A. Yeah.

(By Mrs. Long)

Q. Who are they? Did they all have cases?

[63] MR. MASANA: (Inaudible).

Q. Okay. We could review the list. Okay, Patsy is your sister; June Taylor was the person that submitted the name; James Smith lives on Edison Avenue, do you know him?

A. No.

Q. Does Patsy know him?

A. (Inaudible).

Q. Does—do you, or Patsy, or your mother know Evelyn West?

A. I never heard of her.

Q. Okay. Ray Davis?

MR. MASANA: He's from (inaudible).

Q. City Loan—yeah, that shouldn't have . . . Jerry Day lives on Shuler Avenue—how close to you is that?

A. Patsy, she used to live in that building. I don't know the man, you know, but I know the address. There's a few apartments in that building.

Q. Okay. So do you know if she knows Jerry?

A. I would imagine she does.

Q. Okay. Well does she know about his case in Court?

A. I don't know whether I should say or not.

[64] Q. I don't think there'd be a problem—if you know. I'm not going to ask you details of that case, but if she knows about it.

A. Yeah.

Q. Okay.

MR. BLOUNT: Your mother is Brownie Breedlove?

A. No, that's my father.

MR. MASANA: (Inaudible).

MR. BLOUNT: Dorlin Breedlove is your . . .

A. Is my brother.

MR. BLOUNT: Is your mother's name on it?

A. No.

Q. Who's Nancy Breedlove?

A. That's Dorlin's wife.

Q. Did they have any cases with the Court?

A. My sister-in-law did.

Q. In Dolan's Court?

A. (Inaudible).

Q. With Mr. New?

A. Please?

Q. Was Mr. New the bailiff at the time?

A. Yeah.

[65] Q. Okay. Irene McGuire, do you know her?

A. (Inaudible).

Q. Who is she?

A. A friend of mine's mother.

Q. Was she in Court?

A. No.

Q. Do you know how she's related to this case?

A. Yes, but I don't know if I should say.

MR. MASANA: You can say.

A. They wanted to know where I got some money at (inaudible).

Q. Okay. Barbara Wyatt?

A. My sister.

Q. Okay.

MR. MASANA: You'll find that this is really a family affair.

MR. BLOUNT: So it seems.

Q. Okay. Was she in Municipal Court?

A. No.

Q. Okay. How is she involved?

A. I don't know. (Inaudible).

Q. Okay. Sheila Charles?

A. I've never heard the name.

[66] Q. Okay. Thelma Gold . . . well. Ray Rawlings?

MR. MASANA: He's the bondsman.

Q. Tom Rawlings must be too.

MR. MASANA: Both of them are.

Q. Okay. Carol Cope?

(No audible response.)

Q. You don't know her at all?

(No audible response.)

Q. Okay. Pamela Esposito?

(No audible response.)

MR. BLOUNT: Did you use Ray or Tom Rawlings as a bail bondsman?

(No audible response.)

Q. John Schriefer?

A. Schriefer, ex brother-in-law.

Q. Who was he married to?

A. Patsy. Patsy Stephens.

Q. She's since been remarried then?

A. No, she went back to her former name. Stephens was her name before she married Schriefer.

Q. Oh! This is a second marriage then for your parents?

A. No, it was Patsy's second marriage. She [67] went back . . . her maiden name was Breedlove, then she married a Stephens, and then she married a Schriefer, so she divorced Schriefer, she went back to Stephens.

Q. Oh! Okay. Now was he ever in Court?

A. Yeah.

Q. With Dolan and . . .

A. I don't know if he was with Dolan—I guess he was with Dolan. I can't say for sure, cause I don't know.

Q. Okay.

A. Positively for sure.

Q. Did Detective Sergeant James Schmitz and Lieutenant Charles Reed talk to you?

MR. BLOUNT: They weren't the two that . . .

MR. MASANA: (Inaudible)

Q. Who talked to you down there?

A. Kilgore and Rose.

Q. Kilgore and who?

A. Rose.

Q. Rose. Okay. And they only talked to you once?

(No audible response.)

Q. And the only other connection that you had with the case then was when you received your subpoena [68] for the Grand Jury?

(No audible response.)

Q. You don't know . . . did you know that there were other people that were . . .

A. Yeah, the detectives told me.

Q. That there were other people they were interviewing?

A. (Inaudible).

MR. BLOUNT: It there anything that we haven't asked you that you want to tell us?

A. No, just that I want everybody to know the truth.

MR. BLOUNT: Now do you understand that your name will be used with this?

A. Yeah. Can't get any worse than what Dan (inaudible). Makes it sound like I'm the bad guy.

Q. Have you had any repercussions from this?

A. I've been under a lot of (inaudible) strain. I guess.

Q. Other people calling you besides the Enquirer?

A. Yeah. I've had people that I thought were my friends call me and accuse me of being a snitch and a rat. [69] I don't like to carry that name, and that's what a lot of people is thinking. That knows me.

MR. BLOUNT: They were just mad, they didn't threaten you?

A. (Inaudible) a snitch. You name it, and I'm that. I just want to get that cleared up.

Q. I assume that you're not working for Connaughton's campaign?

A. No.

Q. Okay. Is Patsy working for Connaughton's campaign?

A. Not that I know of.

Q. Are your parents or any of the other people that are on that list working for his campaign?

A. The ones that I know (inaudible).

MR. MASANA: June Taylor is working for his campaign?

MRS. LONG: Yes, I know that.

MR. BLOUNT: We didn't have to ask that.

A. I was talking to her about (inaudible).

MR. BLOUNT: We'll proceed from there (inaudible) Mr. Masana. We'll call (inaudible) when this is transcribed. (Inaudible) she's got [70] some questions. We will not play the tape and I will not mention Mr. Masana. (Inaudible) she'll call and ask him some ques-

tions based on the information given (inaudible) and I don't want you to be surprised.

A. Yeah. Yeah, he may expect that.

MRS. LONG: He may deny a lot—a lot of what you said, or play it down. I shouldn't say that—not to say that that's a . . . I don't know him, to say that that's the type of person he is.

A. That's just like he told me on the phone that I was upset and I didn't know what I was talking about.

Q. But generally in confrontation situations we run into that kind of response. Okay. So that you know ahead of time.

MR. BLOUNT: Do you think that he knows that you're talking to us?

A. I told him that. The last conversation we had, you know, when we got into it.

Q. That was after you had talked to the police?

A. Ummm-hmmm. I told him that everybody was going to find out, you know, how he tricked me into all [71] this, and everything. I'm going to tell the papers; I'm going to tell everybody I can.

Q. Did he ever tell you that you were the strongest aspect of his case against Mr. New or Mr. Dolan?

MR. MASANA: Really, Patsy is, I think . . . Patsy, in all these cases, she recruited all these people. (Inaudible) Patsy recruited all these people.

Q. So Patsy was the one who gave him those names?

(No audible response.)

Q. Yeah, that was one of the things we noticed. Okay.

MR. BLOUNT: Thank you very much.

AND THEREUPON THE INTERVIEW IS TERMINATED.

DEFENDANTS' EXHIBIT M

Readers' Letters

Time to Focus on Issues in Municipal Court Race

EDITOR:

I respect the decision of the *Journal-News* to handle the story of the tax lien placed against my property.

Having been informed that a lien had been filed, the only conscientious journalistic approach was to do the story. Such is the nature and virtue of our free press.

There are many more pertinent issues to be discussed in regard to the election for municipal court judgeship. These issues hit on the relationship of the court to the community—such as the lack of even-handed administration of justice and the implementation and resulting impact of Ohio's new drunk driving law.

The Ohio Legislature, in enacting laws by which we are governed, does not remove all discretion from the judge in the rendering of decisions and the meting out of penalties.

For most people the municipal court is the first and only contact they have with the judicial system.

Therefore, the ability of the municipal court judge to render fair and objective decisions, unaffected by political pressures, friendships, or favoritism, is crucial to the perpetuation of respect for the courts and the legal system in general.

The voters do, nonetheless, have a right to know the facts about their candidates.

Having entered into the political arena, it is not only my obligation, but my duty to be forthright with the public.

A tax lien was, in fact, placed against my property for a partial non-payment of my 1981 tax obligation. This lien had nothing to do with a failure to file returns or any wrongdoing on my part.

In fact, the lien was the direct result of information provided by me in my tax returns and not derived from an audit.

The pressures of the recession have placed a great strain on everyone. Attorneys, who are entirely dependent upon the ability of their clients to pay their fees, are no exception.

As an attorney, it has never been my policy to deny representation to those truly in need because of their immediate inability to satisfy their fees.

The lien has been satisfied, and my taxes are in order.

Having closed this matter, it is now time to focus on the real issues of the campaign.

Dan Connaughton
Hamilton, Ohio

(EDITOR'S NOTE: Connaughton is a candidate for judge of the Hamilton Municipal Court.)

DEFENDANT'S EXHIBIT N**IRS Files Tax Lien Against Candidate**

By PAM LONG
Journal-News Writer

The Internal Revenue Service has filed a federal tax lien on property owned by a candidate for Hamilton Municipal Court judge and his wife, because of more than \$7,000 of unpaid income tax from 1981.

The IRS filed the lien July 13 in the county recorder's office against property owned by Daniel E. and Martha J. Connaughton. The lien lists the Connaughtons' address as 119 Court St., Hamilton, which is Daniel Connaughton's law office. The Connaughtons live at 148 E. Fairway Drive.

The lawyer is a Democratic candidate for the Hamilton Municipal Court judge's post. Incumbent judge, James H. Dolan, a former Democrat, avoided a primary battle by filing for reelection as an independent.

Connaughton indicated the filing of a lien "was a complete surprise. It was a balance I was trying to work out," he said.

"I'm not saying I wasn't negligent in taking care of it. I don't believe in sidestepping the thing," Connaughton said.

Connaughton said he did pay his 1982 taxes.

"The lien is the first public notice to other creditors that there is a debt owed to the United States," said Gary Blomberg, chief of the IRS special procedures staff.

"It is a way of putting the world, if you will, on notice," Blomberg said.

The \$7,167.52 lien represents the amount of taxes, penalties and interest that were unpaid as of July 13. The

IRS does not issue subsequent statements when part of the balance is paid, Blomberg said.

The back taxes are owed only on the Connaughtons' 1981 income, and their legal liability did not begin until Aug. 16, 1982, IRS officials said.

Because the collections statute runs six years, the lien remains in effect for six years and one month, expiring Sept. 15, 1988, according to the lien notice.

DEFENDANT'S EXHIBIT P

8-12-85

10:25

Patty Stevens states that

- (1) Dan Connaughton told her about a month ago that The Journal News wants to settle out of court for \$3,000,000 but he was going to see it thru because they want an apology and The Journal wouldn't apologize.
- (2) P.S. During the first night we talked in Sept., 1983, Dan said that he would play the tapes for Judge Dolan and Billy New and they would resign and it would be all over with and no one else would hear the tapes.

/s/ Patsy F. Stephens

WITNESS:

1. Alice Thompson
2. Charlene McGinnis

Sworn to and subscribed in my presence this — day of Aug., 1985.

/s/ James D. [Illegible]
Notary Public

DEFENDANT'S EXHIBIT W

No Charges Considered Against Court Candidate

BY JOHN R. CLARK

Hamilton Bureau Chief

HAMILTON—Butler County Prosecutor John Holcomb said Wednesday that no criminal charges are being considered against attorney Daniel Connaughton whom a woman claims promised her jobs and trip for information about the operation of Hamilton Municipal Court.

Alice Thompson, 22, 1740 Shuler Ave., told *The Enquirer* Tuesday that Connaughton, who is seeking election as judge of the Municipal Court in next Tuesday's balloting, promised to "find a suitable job" for her sister, Patsy Faye Stephens, 32, 1757 Shuler Ave., and to help her find employment.

ASKED WHETHER Thompson's accusations against Connaughton could be the basis of possible criminal charges against Connaughton, Butler County Prosecutor John Holcomb declared, "absolutely not."

"That woman (Thompson) never told the police or me any such tale. But be that as it may, everything she did tell us has been independently verified by other witnesses and by records and no where did I see or hear that Connaughton urged her to lie. The way I understand it, he just wanted her to tell what she knew."

Connaughton, who is seeking to unseat incumbent Judge James H. Dolan, denied Thompson's allegations. He said "no promises or inducements of any kind were offered to Alice Thompson by me or anyone connected with my campaign in exchange for the information she revealed."

"What she revealed to us she confirmed to the Hamilton Police Department approximately two weeks later when they were conducting their investigation (into the New case)," Connaughton said.

THOMPSON CONTENDED that during one meeting with Connaughton and others, she was asked how good a cook her mother was and was told the Connaughtons had been thinking of opening a restaurant at the old Counsel Chambers Bar, adjoining Connaughton's office. Thompson said the Connaughtons told her that her parents could run the restaurant and the girls (she and Patsy) could work there.

Connaughton denied there was any discussion of a restaurant but admitted there was some comment regarding the possibility that his wife might open a small ice cream shop or delicatessen in the building, and that possibly a job might be available there.

Earlier Tuesday, Thompson appeared before the Butler County grand jury to testify regarding three charges of bribery brought against Billy J. New, former director of court services for Hamilton Municipal Court. The charges stemmed from an investigation by police following a complaint by Connaughton.

The jury is expected to report its findings to the court on Friday.

JOINT EXHIBIT I

JOURNAL NEWS

Bribery case witness claims jobs, trips offered

By PAM LONG
Journal-News Writer

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A woman called to testify before the Butler County Grand Jury in Billy Joe New bribery case claims Dan Connaughton, candidate for Hamilton Municipal Judge, offered her and her sister jobs and a trip to Florida "in appreciation" for their help.

Alice Thompson, 22, 1740 Shuler Ave., was scheduled to testify before the grand jury in relation to the charges against New, who resigned his court position Sept. 22.

Thompson said she believes Dan Connaughton, a candidate for municipal judge, used "dirty tricks" in obtaining her cooperation with his personal investigation of New.

Connaughton, in an interview with the *Journal-News* Monday, confirmed meeting with Thompson.

But he denied any wrongdoing and said Thompson misinterpreted comments and discussions while attending meetings with him and persons involved in his campaign who were gathering information about New and Dolan.

Connaughton filed a complaint with Hamilton police Sept. 27, about New, former director of court services for Hamilton Municipal Court Judge Dolan.

Dolan—who is seeking re-election Nov. 8—fired New Sept. 22.

New, 32, 360 Foster Ave., Hamilton, was arrested Oct. 3 on three counts of bribery. He was bound over to the grand jury by Acting Judge Jack Rosmarin Oct. 14.

New had worked about six years for Dolan, who removed himself from hearing the case in municipal court.

Thompson's statements were made last week in a tape-recorded interview with *Journal-News* representatives. Through a third party, she had contacted the *Journal-News* to ask for a chance to tell her side of the story.

She was interviewed by the newspaper with the understanding that she not discuss her contact with New in Hamilton Municipal Court because that would be covered in her testimony this week before the grand jury.

Thompson said her reason for wanting to talk to the *Journal-News* were:

- 1. To let people know she did not "snitch" on New.
- 2. To reveal the "dirty tricks" Connaughton pulled to get her to make a statement.

She said two other things bothered her about Connaughton's actions: (1) he did not protect her anonymity as promised and (2) he allowed other people to hear tapes of a session with Connaughton and other supporters about what happened with New during Thompson's recent appearance in Hamilton Municipal Court.

Connaughton, some of his supporters and two neighbors were contacted by the *Journal-News* Monday to obtain their recollections of the meetings and conversations.

They claimed there was never any direct offer to Alice Thompson and her sister Patsy Faye Stephens, 32, 1737 Shuler Ave., Hamilton.

Connaughton did admit there was talk about the two sisters working in an ice cream shop the Connaughtons might open.

Thompson and Stephens were subpoenaed among 25 people to appear before the grand jury this week.

In her interview with the *Journal-News* Thompson said there were three meetings and two phone calls initiated by Connaughton, his wife or his brother-in-law Dave Berry.

Thompson, who is represented by lawyer Matt Crehan, a Dolan supporter, is uncertain of the dates the two meetings were held.

She claims that sometime in late August or early September she walked in on a meeting in progress at the home of her parents, Zella and Brownie Breedlove, 1767 Shuler Ave.

Present at the meeting were Zella Breedlove, mother of Patsy Stephens and Alice Thompson; Stephens; Berry; Martha Connaughton (Dan Connaughton's wife); and Joe Cox, head of the Connaughton's campaign, she said.

Berry said he and Martha Connaughton wanted to talk with Stephens and went to the Breedlove house unannounced.

Thompson claims her sister was discussing Patsy's connection with New. Thompson said Martha Connaughton and Berry "knew all about me."

Thompson said she has been in Hamilton Municipal Court twice. In 1980 Dolan found her guilty of assault and ordered her to serve jail time.

In February 1982, Dolan found her guilty of petty theft from K mart on Dixie Highway. Thompson said she was fined, but not given any jail sentence.

Thompson said she became involved because her sister, Stephens, had contacted June Taylor in September 1982, giving Taylor information on DUI cases in Hamilton Municipal Court.

Taylor passed the name along to Martha Connaughton, Berry said.

Berry and Connaughton's wife claim that first meeting was Sept. 15 and Cox was not there.

Connaughton places the date at Sept. 8, noting his wife told him about the meeting with Stephens and Thompson.

Connaughton said in a letter to the editor published Sept. 20 in the *Journal-News*: "Sept. 17, 1983, I met with this individual. Prior to Sept. 17, 1983, I did not know this person, nor had I known any of the information I was then told."

The second meeting took place either Sept. 16 or Sept. 17 at 12:30 a.m. at Connaughton's home at 138 E. Fairway Drive in Hamilton, according to Connaughton and his supporters.

Thompson, Connaughton and others agree on who attended the meeting.

Those present at the late-night meeting were Thompson, Stephens, Dan Connaughton, Martha Connaughton, Berry, Cox, Ernie and Jeanette Barnes.

Connaughton explained this second meeting was held at 12:30 a.m. "to protect their (the two sisters') anonymity," and because both women were employed at Rinks and worked late.

The *Journal-News* learned that Stephens had been employed at a Rinks warehouse.

Thompson said she has been unemployed for eight months and last worked as a waitress.

The sisters were picked up at Breedlove's home by Berry and Cox, who took them to Connaughton's home.

The Barnes reside across the street from the Connaughtons. The Barnes said they had been asked by Berry and Martha Connaughton to be witnesses "to something very important." Berry had told Jeanette Barnes.

Jeanette Barnes, who was not active in the Connaughton campaign at the time of the second meeting, now is active in the campaign.

During the session, Connaughton supporters said two tape recorders ran. Thompson said there were three tape recorders.

Thompson claims the tapes were turned off and on during a session she claims lasted until 5:30 a.m. When the tape was turned off, she said Connaughton made promises about a job and a post-election trip to Florida for Thompson and Stephens which the Connaughton family was going to take.

The Barnes claim the tapes ran continuously.

Dan Connaughton said there were times when the tapes were stopped.

Thompson said that either at that second meeting or a subsequent third meeting Connaughton offered:

- A job for Thompson in appreciation for her help with Connaughton's investigation of Billy New and Judge Dolan.
- a municipal court job for Stephens.
- an invitation for Thompson and her sister to go on a post-election trip to Florida with Connaughton and his family.
- to set up Thompson's parents, Zella and Brownie Breedlove, in the restaurant business at the location of Walt's Chambers, which Connaughton owns and leases. The property is on Court Street opposite the Butler County Courthouse and next to Connaughton's law office.

Connaughton and his supporters claim no promises were made.

Connaughton said he suggested the two sisters may want to go South.

Connaughton said his wife had thought about opening a gourmet ice cream shop at the Walt's Chambers location.

Martha Connaughton said "a job was never promised."

She said the shop was "a dream" she's had for a year, but there are no plans to open a shop. She admitted "after this is all over with I would give them jobs. They deserve a break. That's the social worker in me coming out."

In her interview with the *Journal-News*, Thompson said she would have accepted the trip and the job.

Thompson said she was notified of a third meeting Sept. 21 when Berry called and said he needed to pick up Thompson and her sister.

The morning of Sept. 22 the two sisters were taken to Linda Berry Interiors, 1188 Hamilton-Cleves Road, where Stephens underwent a polygraph test, according to the Connaughton[s] and Thompson.

Linda Berry is Dave Berry's wife.

Connaughton said the test was administered by Carl E. Anderson, a polygraphist from Cincinnati.

Thompson said she was encouraged by Cox, Berry, and Martha Connaughton to take the test. She refused.

Berry claims Thompson was not asked to take the polygraph test.

Connaughton said he waited to file charges until Sept. 27, because he wanted to get the results of the test back. Connaughton had not stayed for the entire polygraph exam.

Berry said Anderson had verbally told Berry that same day that Stephens passed the test.

Connaughton said his wife, Cox, Berry and the two sisters came to his office to pick him up for lunch.

Connaughton learned of New's resignation at his office through Jim Ceory [sic], a lawyer.

Then some of the group went to the Bob Evans Restaurant on Colerain Avenue (U.S. 27), near Northgate, for lunch.

Connaughton said they went to that location in Hamilton County "to try to protect their (Thompson and Stephens) anonymity."

Thompson claimed that Connaughton promised a post-election dinner at the Maisonette in downtown Cincinnati.

Connaughton said "it may have been discussed. I wouldn't say it wasn't discussed."

Thompson claimed Connaughton had told her the tapes he made of her and her sister's statement Sept. 16 or Sept. 17 were to be presented to Dolan.

Thompson said Connaughton hoped to get New and Dolan to resign and then to have himself appointed as municipal judge.

Thompson said that when Dolan did not resign when New was fired, Connaughton became upset and said he was going to file charges. Thompson said she was angry about the prospect of charges being filed and she said she asked for immunity.

Connaughton claims he never told Thompson he was going to file charges.

Connaughton said Butler County Prosecutor John Holcomb assured him immunity would be given. Connaughton said he told Thompson she would have immunity.

After the complaint was filed, Thompson said Hamilton police detectives called her in for an investigation. She claims she told the police about the offers Connaughton had made, but officers weren't interested in discussing it.

Connaughton called her later that day Sept. 28 or Sept. 29 after she talked to police detectives. She said Connaughton had heard about the investigation and wanted to know what had happened at the police department.

"Me and him got into it. I told him I was against him and I hung up," Thompson said.

Thompson said Connaughton called her Oct. 3, the day New was arrested by Hamilton police on three counts of bribery. Thompson was one of three people listed in the charges.

Connaughton claims he did not call her the day she talked to police detectives. He claims she called him and was hysterical.

(EDITOR'S NOTE: Other *Journal-News* reporters and editors participating in the interviews and research were Laurel Campbell, Tom Grant, Jeanne Brock, Sue Klearwetter, Jim Blount, Mike Jones, Bill Slabert, Larry Fullerton and Bob Walker.)